

# Section 7.12 Snowy Monaro Local Infrastructure Contributions Plan 2022

Commenced 1 July 2022

Strategy Development





# Acknowledgement of Country

Snowy Monaro Regional Council acknowledges the Traditional custodians of the region's land and water, the Ngarigo, Walgalu, Southern Ngunnawal, and Bidawal Peoples.

We pay our respects to Elders past, present, and emerging.  
The Snowy Monaro is, and always will be, Aboriginal Country.



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## Executive Summary

### Purpose and Objectives of the Plan

This Plan is the Snowy Monaro Section 7.12 Local Infrastructure Plan and has been prepared to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, enabling Council or an accredited certifier to levy contributions from development for the provision of public amenities or services.

This Plan will assist in the provision of adequate public facilities for future development and ensure that the existing community is not burdened by the costs of public facilities required as a result of future development. In addition, this Plan provides the administrative framework for the collection, expenditure, accounting and review of development contributions on a reasonable basis. In this way, the Plan provides for public and financial accountability.

### Nature of Future Development

It is anticipated that up to 2032, the population of the Snowy Monaro Local Government Area (LGA) could grow significantly over the next 20 years. Council has prepared three potential future scenarios. These scenarios are based on a number of factors including potential drivers and assumptions. This allows a guide for planning and monitoring of growth which will assist to determine allocation of resources

The low scenario will see a population increase of only 1000 people by 2041, the main scenario will see an additional 4,000 residents in the region by 2041 and the high growth scenario could see an addition 12,000 residents in the region by 2041 as shown in the graph.

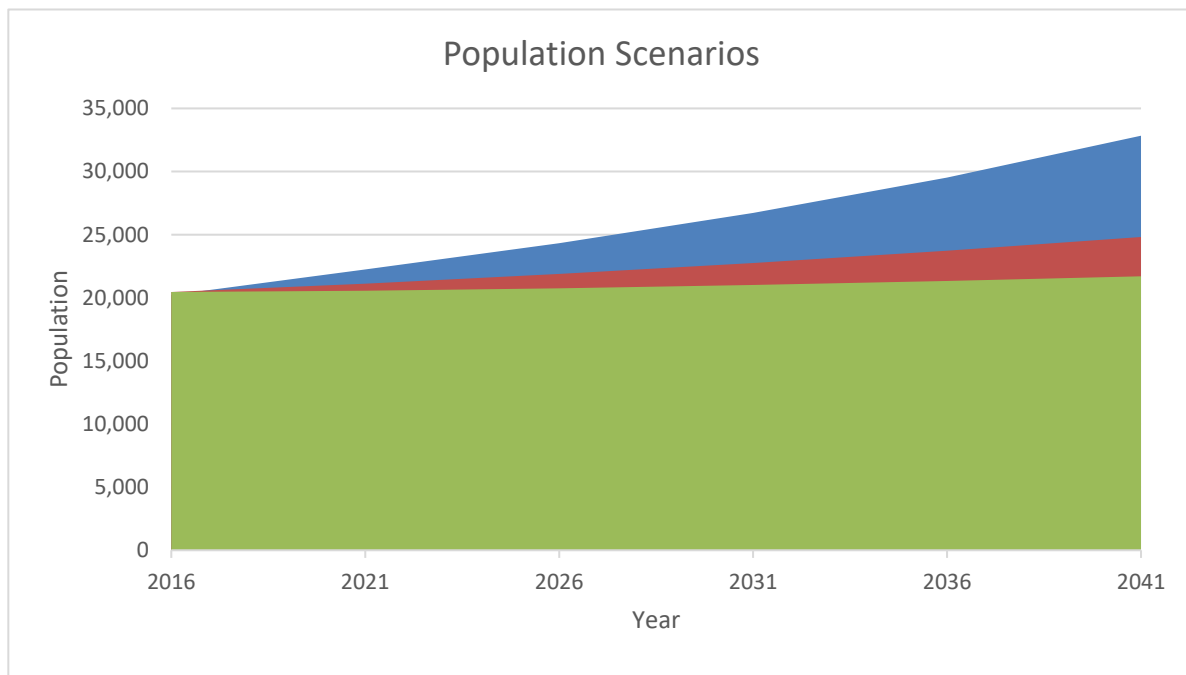


Figure 1 Population Scenarios for the Snowy Monaro LGA (Snowy Monaro LSPS, 2020)

There is also estimated to be an increase in non-residential development over this 10-year period comprising between 13,700 and 24,325 square metres of retail and commercial floor space and approximately 99.77 hectares of industrial land.

This future development will require new, extended or augmented public amenities and services.

### Life of the Plan

The Plan caters for a 10 year planning period, aligning with Council's 10 year financial plan and generally aligning with various NSW State Government and Council strategies and being within the horizon of residential and employment forecasts utilised by Council for planning and infrastructure purposes.

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 Contributions Rates

Table 1 Summary of Contribution Rates

Cost of Development	Contribution levy rate %
All development valued up to and including \$100,000	0%
All development valued between \$100,000 to \$200,000	0.5%
All development valued in excess of \$200,000	1%

### Other funding sources

Contributions sought by this Plan may only partially fund infrastructure listed in this Plan. Council will draw upon other funding sources to meet the residual costs to deliver such infrastructure.

### Catchments

To ensure the distribution of contributions revenue is fair and equitable, catchments have been developed and are shown in **Appendix E**. The catchments ensure that funds that are levied within a catchment are expended back within the same catchment.

### Treatment of funds collected prior to the commencement of this Plan

Funds levied and collected under previous Development Contributions Plans will be used to deliver community infrastructure of a similar facility category as they were originally collected for and spent within the same catchment (**Appendix E**) from within which they were levied.

### Works schedule

Contributions sought through this Plan will be used to fund, in part or in full, the public amenities and services set out in the Schedule of Works at **Appendix E**.



## Introduction

This Plan has been prepared to determine the Section 7.12 local infrastructure levy that applies and what public facilities are to be funded by the levy.

### 1.1. Name of the plan

This plan is the *Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022*.

### 1.2. Abbreviations and definitions used in the plan

The meanings of key words and terms used in this Plan are contained in the Abbreviations and definitions at **Appendix A**.

### 1.3. Commencement of the 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 2021* (the Regulation).

This Plan was adopted by Council on 16 June 2022.

This Plan will commence on 1 July 2022.

### 1.4. Purpose and objectives of the Plan

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979*.
- To assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- Ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- To publicly identify the purposes for which the levies are required.
- To govern the application of money paid to Council under a condition authorised by this Plan.

## 1.5. Area to which the Plan applies

This Plan applies to the Snowy Monaro Regional Council Local Government Area, except for the area to which the Michelago Local Infrastructure Plan 2021 (Hybrid Section 7.11 & 7.12) applies, as per the map below.

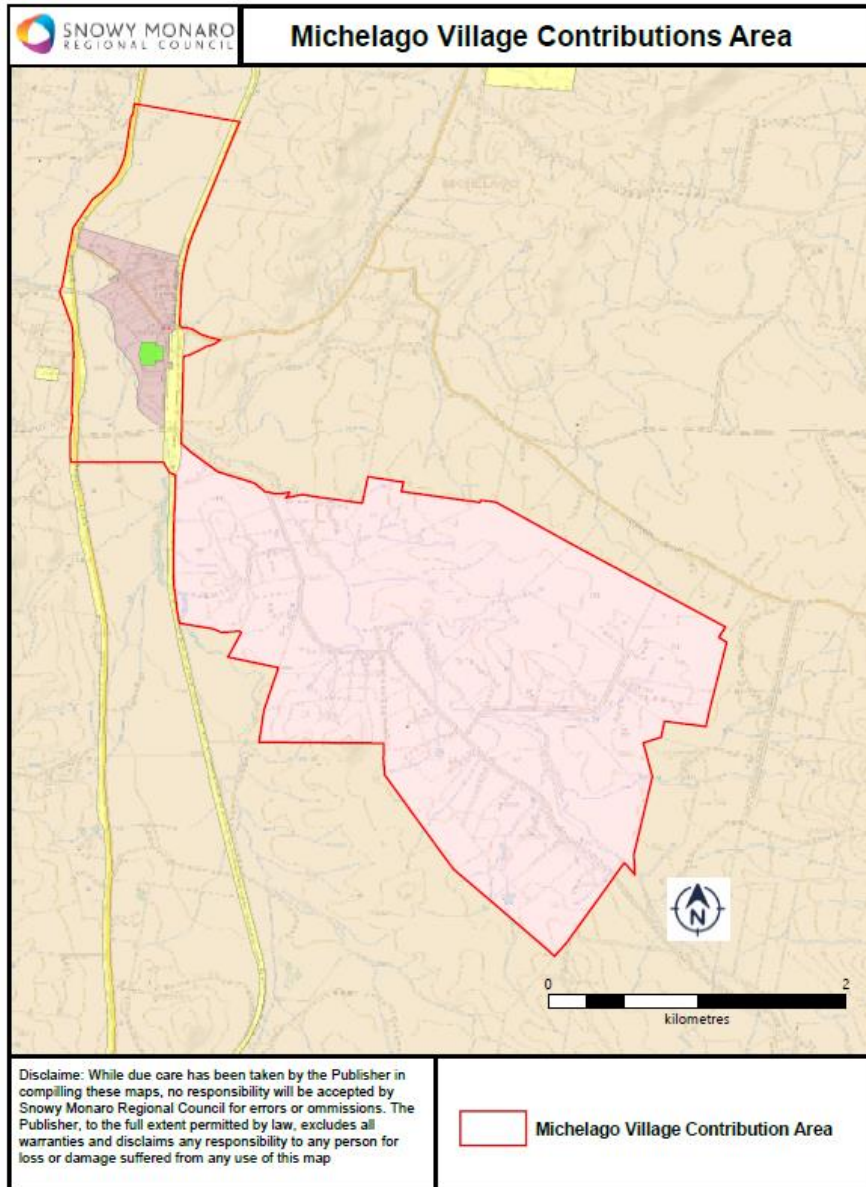


Figure 2 Area to which this Plan does not apply

## 1.6. Operation period of this Plan

The Plan is intended to cater for a 10 year planning period from 2022 to 2032 with this period generally aligning with the Integrated Planning and Reporting Framework, Long Term Financial Plan and Resourcing Strategy.

The Plan will be monitored and if necessary, the works schedule may be amended to account for infrastructure works that have been delivered or for which there has been a change in the estimated costs or timing.

A review of this Plan will commence 1 year after the implementation of the Snowy Mountains Special Activation Precinct.

In line with Delivery Program, this Plan will also be reviewed every 4 years.

## **1.7. Structure of this Plan**

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

Section 2 – Administration and Operation of the Plan, outlines the types of public amenities and services addressed by the Plan, describes how and when contributions are to be made and provide details regarding the ongoing management of the Plan.

Section 3 – Forecast Development and Demand for Infrastructure, outlines the residential and employment generating development forecast to occur during the life of this Plan and the plans, strategies and other documents that have contributed to the works schedule for this Plan.

Appendix A Abbreviations and definitions

Appendix B Determining the proposed Costs of Development

Appendix C Cost Summary Report Templates

Appendix D Model Conditions of Consent

Appendix E Rollover funds, Catchments and Work Schedules

## **1.8. Relationship with other contributions plans**

This plan repeals the following contributions plans

- Bombala Section 94A Contributions Plan
- Cooma-Monaro Council – Section 94 Contributions Plan (Management and Administration)
- Cooma-Monaro Council – Section 94 Contributions Plan (Roads and Open Space)
- Snowy River Development Contributions Plan 2008, in so far as this Plan refers to Section 94 Contributions

- Snowy River Development Contributions Plan 2010 Jindabyne Area Shared Trails
- Yarrowlumla Council Section 94 Plan – Provision of Community Facilities
- Yarrowlumla Council Section 94 Plan – Access Roads

Contributions imposed on developments under the above plans and paid to or held by Council will be applied to completing the works shown in Appendix E.

## **1.9. Savings and transitional arrangements**

This Plan applies to any applications lodged on or after the date on which this Plan commences, being 1 July 2022.

This Plan does not affect any conditions imposed under a previous plan(s). Any application made under the Act to modify a development consent issued before the commencement date of this plan will be determined against the plan that applied at the date the consent was originally determined.



## 2. Administration of the Plan

### 2.1. Development to which this plan applies

This Plan applies to development that:

- Is located within the area to which the Plan applies
- Requires development consent, including a complying development certificate
- Has a cost of \$100,000 or more; and
- Is not excluded in accordance with section 2.2 below.

### 2.2. Exemptions

Development excluded from the requirement to pay a contribution is listed below. Applicants should describe how their development is consistent with the relevant exclusion in their development application. If Council is satisfied the development is consistent with the relevant exclusion, it will exclude the development from the need to pay a contribution.

For complying development, Council must first verify any exclusions in writing, following submission of relevant details on the nature of the proposal.

Where the proposal includes various land uses or works which do not attract a contribution, only those works or elements are excluded from the need to pay a contribution. All other works and uses are to be levied with development contributions in accordance with this Plan.

This Plan does not apply to the following:

- Development that has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out.
- Development that, in the opinion of the Council, does not increase the demand for the categories of public amenities or public services addressed by this Plan. This may include, but is not limited to:
  - Signage
  - Environmental protection works
  - Environmental facility
  - Farm buildings
  - Roadside stalls
  - Waterbodies

- Home businesses/occupation/industry
- Development ordinarily incidental or ancillary to the use of a dwelling house, such as a swimming pool, garages, sheds, carports, decks and the like.
- Alterations to a residential use that do not increase the number of bedrooms.
- An application for demolition (where there is no replacement building or development).
- An application by or on behalf of Council for infrastructure, such as, but not limited to: emergency services facilities, libraries, community facilities, waste management facilities, recreation areas, recreation facilities and car parks.
- Dwelling house that replaces an existing dwelling house, with the same number of bedrooms.
- Development that involves the rebuilding or repair of damage resulting from declared natural disasters by the NSW State Government, such as flooding or bushfires.
- Not for profit or charity groups - the standard of evidence required is:
  - A Certificate of Registration with the Australian Charities and Not-for-Profit Commission; or
  - A Notice of Endorsement as a Deductible Gift Recipient, issued by the Australian Taxation Office (ATO); or
  - A Notice of Endorsement for Charity Tax Concessions, issued by the ATO.
- Costs and expenses listed under Clause 208 of the EP&A Regulation 2021 (**Appendix .B**).

Council will not provide exemptions to development contributions made under this Plan other than exemptions or discounts outlined above or outlined by a Ministerial direction under Section 7.17 – ‘Directions by Minister’ of the EP&A Act.

Council does not apply discounts to the payment of development contributions unless otherwise stated in this Plan.

### **2.3. Calculating the contributions**

The maximum percentage of the proposed cost of carrying out development that may be imposed by a development levy for development is:

Table 2 - Maximum percentage Levy for Development

Cost of Development	Contribution levy rate %
All development valued up to and including \$100,000	0%
All development valued between \$100,000 to \$200,000	0.5%
All development valued in excess of \$200,000	1%

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

$$\text{Levy payable} = \%C \times (\$C - E)$$

Where:

%C is the levy rate applicable

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

E is the exemptions as per Clause 208 of the Environmental Planning and Assessment Regulations 2021.

## 2.4. Calculating the cost of works

The proposed cost of carrying out the development will be determined in accordance with clause 208 of the EP&A Regulation. The procedures set out for submitting a development application (included in this Plan) must be followed to enable Council to determine the amount of the levy to be paid.

The proposed cost may be adjusted before payment of a development levy, to reflect annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

The genuine estimate of the cost of works must be supplied at the time an application is lodged. When determining the estimated cost of works, applicants must have regard to [Planning Circular PS 21-022 Calculating the genuine estimated cost of development](#). Consistent with this circular, development applications are to be estimated in accordance with the following:

- for development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person , with the methodology used to calculate that cost submitted with the DA.
- for development between \$100,000 and \$3 million, a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.
- for development more than \$3 million, a detailed cost report prepared by a registered quantity surveyor.

A **suitably qualified person** is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing of development works at least to a similar scale and type as is proposed.

Cost Summary Report Templates are available in **Appendix C**.

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 2.3.

## **2.5. Refunding contributions**

The EP&A Act and Regulation do not make provision for refunds for contributions and there is no express power for a council to refund contributions already paid in accordance with a condition of consent. However, Council at its complete discretion, may consider a refund where:

- Contributions have been paid but development has not commenced and will not proceed in accordance with the consent. In this instance, the consent will need to be surrendered in accordance with the provisions of the Act.

In each case, Council will consider refunding contributions if it has not been spent and the refund will not impact on Council's ability to deliver the works outlined in the Schedule of Works. The applicant must apply for a refund in writing within 12 months of the payment of the contribution.

## **2.6. Imposing contributions**

In accordance with the Act, a development levy under this Plan will be imposed as a condition of development consent, or as a condition on a



Complying Development Certificate. Model Conditions of Consent are available in **Appendix D**.

## **2.7. Payment of the contribution**

A levy must be paid to the Council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid as per the following:

- **Development involving building work:** prior to the issue of the Construction Certificate;
- **For Complying Development:** Prior to the issue of the Complying Development Certificate; and
- **In the case of Development Applications where no Construction Certificate or Occupation Certificate is required:** prior to the commencement of works or use.

Where an application is dealt with by an accredited certifier other than Council, the development consent shall not operate unless until the amount required by the consent under this Local Infrastructure Contributions Plan is paid to Council. The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan.

## **2.8. Indexation of contributions**

This Plan authorises Council to undertake these indexed based changes on a quarterly basis without the necessity of preparing a new or amending the contributions plan.

This is to ensure that that the value of contributions is not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the Plan, or through changes in the costs of studies to support the Plan.

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

$$CP = CDC \times \text{Current index}$$

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### Base index

Where:

- i. **CP** is the amount of the contribution calculated at the time of payment;
- ii. **CDC** is the amount of the original contribution as set out in the development consent; and
- iii. **Current index** the Consumer Price Index: All Groups Index for Sydney (as currently available from the Australian Bureau of Statistics at the time of payment).
- iv. **Base index** is the Consumer Price index: All Groups Index for Sydney which is applied at the time of calculation as shown on the development consent.

## **2.9. Construction certificates and the obligations of accredited certifiers**

In accordance with the Act and the Regulation, a certifying authority must not issue a Construction Certificate or an Occupation Certificate, whichever is applicable 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 exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

## **2.10. 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 for all types of development, except for those development that are exempt from charges as per clause 2.2 or those listed under Clause 208 of the Regulation.

The conditions imposed are to be generally consistent with Council's model condition for Complying Development Certificates (see **Appendix D**) 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 (including current indexed rates), 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.

## **2.11. Pooling of levies**

This Plan expressly authorises monetary 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 the works schedule.

## **2.12. Deferred or periodic payment of levies**

Deferred or periodic payments may only be permitted in:

- Circumstances where the applicant can demonstrate to the Council that the payment of contributions in accordance with '2.7 Payment of the contribution' is unreasonable, and Council accepts deferred or periodic payment; or
- Circumstances where the developer intends to make a contribution by way of works in-kind or land dedication in lieu of a cash contributions in a future stage of the one development and Council and the developer have a legally binding agreement for the provision of the works or dedication; or
- In other circumstances determined to be reasonable by Council.

All requests for deferred or periodic payment of contributions are required to be made in writing and may only be accepted (in writing) where:

- There are valid reasons for the deferral or periodic payment (as outlined above),
- They will not adversely impact on the administration or operation of the Plan,
- They will not jeopardise the timely provision of works or land identified within the Plan,
- They will not adversely impact on the cash flow of the Plan.

Should a deferred or periodic payment be accepted by Council, a suitable bank guarantee, to the value of the outstanding contributions is to be lodged.

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development,
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the overall development.

The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to twelve months interest,
- The Bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work whichever occurs first,
- 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 in accordance with the development consent,
- The Bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the Bank in writing that the guarantee is no longer required.

Matters that will be considered for deferral requests include:



- The financial position of the contribution scheme,
- The extent of any load borrowing,
- Future Capital commitments,
- Whether or not infrastructure works essential for the initial development can be deferred,
- Whether or not development/land release can be staged to more appropriately match infrastructure requirements and commitments.

Under certain circumstances, an applicant may also request in writing, a deferral or variation of the contribution through a Voluntary Planning Agreement (Division 7.1 – Subdivision 2 of the *Environmental Planning & Assessment Act 1979*).

### **2.13. Alternatives to payment of the levy**

If an applicant does not wish to pay the section 7.12 levy applicable to their development, they may offer to enter into a Voluntary Planning Agreement with Council under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the making of a development application or in an application for a modification.

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 of negotiation with Council. The offer to enter into the planning agreement together with the draft agreement should accompany the relevant development application.

Acceptance of an offer to enter into a voluntary planning agreement is at the sole discretion of Council and, if Council does not agree to the offer, the payment of the section 7.12 levy will be required. Applicants should refer to Council's Policy on Voluntary Planning Agreements and Land Dedication for further information available on Council's website.

### **2.14. Accounting and management of funds**

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.

Funds received under this Plan will be held separately in accounts which correspond with the catchments. Funds levied within a certain catchment will be spent back within the same catchment, except for Regional Waste Infrastructure. Contributions may be spent on Regional Waste Infrastructure projects, which benefit the whole of the region, outside of the catchment they were collected from.

### **2.15. Treatment of funds received prior to the commencement of this Plan**

Funds levied and received under previous plans will be used to deliver public amenities of a similar facility type as the funds were originally received. Rollover funds up to the end of the 2020/2021 financial year are outlined in **Appendix E**. Any funds received during the 2021/2022 financial year will also be rolled over into the catchments.

Funds levied and received under previous plans will be spent within the same catchment from which they were levied.

### **2.16. Monitoring and review of the Plan and contributions**

It is intended that this Plan be monitored and reviewed on a regular basis as it contains forecasts of future development including likely future population and about the likely demands and costs of providing community infrastructure for that population.

Monitoring actual developments, population changes and community demands will allow appropriate updating and amendment as necessary.

The cost of works proposed by the Plan (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

Council's aim is that all forecasts, costs and assumptions are reviewed and adjustments and/or amendments as appropriate.

A review of this Plan will commence 1 year after the implementation of the Snowy Mountains Special Activation Precinct. Reviews will be undertaken at four yearly intervals after the date of adoption of this Plan, in line with the Delivery Program.

The Plan may also be amended to address the matters listed in the Regulation. In particular, the Plan may be amended from time to time to

reflect indexation of contributions and the cost of works without the need for public exhibition.

### 3. Forecast development and demand for infrastructure

#### 3.1. Strategic Context

##### 3.1.1. Local Strategic Planning Statement

The Snowy Monaro Local Strategic Planning Statement was adopted by Council on 21 May 2020. The LSPS planning priorities, strategic directions and actions provide the rationale for land use planning decision making on how we will use our land to achieve the community's broader goals.

'Planning Priority 12 – Capitalise on Growth and Change by Preparing for New Business and Population' outlines three potential future scenarios. These scenarios are based on a number of factors including potential drivers and assumptions. This allows a guide for planning and monitoring of

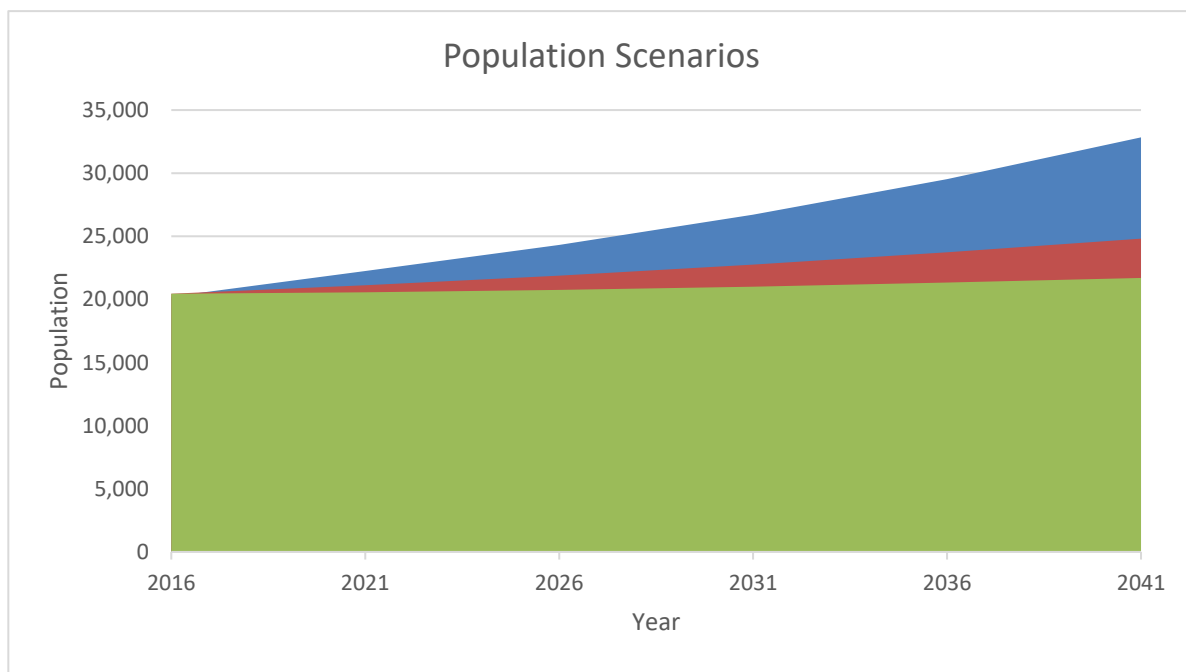


Figure 3 Population Scenarios for the Snowy Monaro LGA (Snowy Monaro LSPS, 2020)

growth which will assist to determine allocation of resources. The low scenario will see a population increase of only 1000 people by 2041, the main scenario will see an additional 4,000 residents in the region by 2041 and the high growth scenario could see an addition 12,000 residents in the region by 2041 as shown above.

The Local Strategic Planning Statement also identifies a new Local Infrastructure Contributions Plan as a short term priority for Council.

*“LSPS Action 10.10 - Council will develop a new development contributions plan for the region to provide for improved road, recreational, active transport and community infrastructure.”*

### **3.2. Forecast development**

The Snowy Monaro Region is experiencing a considerable amount of change with investment into the Jindabyne area and the Alpine resorts through the Snowy Mountains Special Activation Precinct. Significant infrastructure projects such as Snowy 2.0 and other renewable energy projects are also well underway or in the pipeline. At the same time important health, education and other social infrastructure upgrades are occurring. Steady growth in our traditional rural industries such as agriculture, forestry and extractive industries is expected.

This significant public and private investment in the region is likely to drive population growth and increase the demand for public facilities.

In addition to new residential accommodation that will be required, there is also estimated to be an increase in non-residential development over this 10-year period comprising between 13,700 and 24,325 square metres of retail and commercial floor space and approximately 99.77 hectares of industrial land.

This future development will require new, extended or augmented public amenities and services.

### **3.3. Demand for public facilities and services**

The increased usage of and demand for new transport and social infrastructure as a consequence of the forecast additional development will in most cases, exceed the capacity of existing public facilities in the LGA and therefore, it will be necessary for new and embellished transport and social infrastructure to be provided to cater for the anticipated demand of future development.

For the purposes of this Plan, Council has drawn upon a variety of strategies and plans which set out the transport and social infrastructure requirements of the future population, including, but not limited to the following:

- Snowy Monaro Regional Trails Masterplan 2021
- Snowy Mountains Special Activation Precinct Masterplan 2022



- Berridale Village Landscape Master Plan Report 2014
- Polo Flat Structure Plan 2009
- Youth Strategy 2019-2022
- Bombala Masterplan 2017
- Jerrara Drive Road Safety Review 2020
- Regional Waste Management Strategy 2021

In addition to public infrastructure projects specifically identified in these documents, this Plan includes other projects which align with the Planning Priorities in the LSPS and Settlements Strategy.

## Appendix A - Abbreviations and definitions

Words and phrases used in this plan have the same meaning as the terms defined in the EP&A Act, or the Standard Instrument – Principal Local Environmental Plan (SI LEP).

In this plan, the following words and phrases have the following meanings:

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

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

**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.

**applicant** means the person(s) or organisation(s) submitting a development application.

**ATO** means the Australian Taxation Office.

**CDC** means complying development certificate.

**Consent authority** has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

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

**Council** means Snowy Monaro 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 that may be 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 levy** means a levy referred to in the Act, section 7.12.

**development levy condition** means a condition of development consent, referred to in the Act, section 7.12, requiring the payment of a levy.

**GFA** means the same as gross floor area.

**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;

**Ministerial Direction** means a Direction by the Minister pursuant to Section 7.9 or Section 7.17 of the Act.

**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.

**Regulation** means the Environmental Planning and Assessment Regulation 2021

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 82 of State Environmental Planning Policy (Housing) 2021, 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;

**SILEP** means the Standard Instrument—Principal Local Environmental Plan.

**social housing provider** means a social housing provider as defined by State Environmental Planning Policy (Housing) 2021.

## Appendix B - Determining the proposed Cost of Development

### 208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

- (1) The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.
- (2) The costs of carrying out development include the costs of, and costs incidental to, the following—
  - (a) if the development involves the erection of a building or the carrying out of engineering or construction work—
    - (i) erecting the building or carrying out the work, and
    - (ii) demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—preparing, executing and registering—
    - (i) the plan of subdivision, and
    - (ii) the related covenants, easements or other rights.
- (3) In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.
- (4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—
  - (a) the cost of the land on which the development will be carried out,
  - (b) the costs of repairs to a building or works on the land that will be kept in connection with the development,
  - (c) the costs associated with marketing or financing the development, including interest on loans,
  - (d) the costs associated with legal work carried out, or to be carried out, in connection with the development,
  - (e) project management costs associated with the development,
  - (f) the cost of building insurance for the development,
  - (g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the



development involves an enlargement, expansion or intensification of a current use of land,

(h) the costs of commercial stock inventory,

(i) the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,

(j) the costs of enabling access by people with disability to the development,

(k) the costs of energy and water efficiency measures associated with the development,

(l) the costs of development that is provided as affordable housing,

(m) the costs of development that is the adaptive reuse of a heritage item.

- (5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

**Example—**

A contributions plan may adopt the Consumer Price Index.

- (6) To avoid doubt, this section does not affect the determination of the fee payable for a development application.

## Appendix C – Cost Summary Report Templates

<h3>Cost Summary Report</h3> <p>Development Cost less than \$3,000,000</p>	
	Date
Applicant name	
Proposed development	
Development address	

### ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$
Engineering and Earthworks	
Structure	\$
External walls, windows and doors	\$
Internal walls, screens and doors	\$
Wall finishes	\$
Floor finishes	\$
Ceiling finishes	\$
Lighting	\$
Fittings and equipment	\$
Hydraulic Services	\$
Mechanical Services	\$
Fire Services	\$
Lift Services	\$
External Works	\$

External Services	\$
Landscaping	\$
Other related works	\$
<b>SUB-TOTAL</b>	\$
Consultant fees	
Goods & Services Tax	
<b>TOTAL DEVELOPMENT COST</b>	

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 208 of the *Environmental Planning & Assessment Regulation 2021*.
- Included GST in the calculation of development cost.

Name	
Signed	
Position & Qualification	
Date	

Note: For development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person , with the methodology used to calculate that cost submitted with the DA.

Note: For development between \$100,000 and \$3 million, a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.

A **suitably qualified person** is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven

experience in costing of development works at least to a similar scale and type as is proposed.

<b>Cost Summary Report</b>	
Development Cost more than \$3,000,000	
	Date
Applicant name	
Proposed development	
Development address	

**DEVELOPMENT DETAILS:**

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

**ESTIMATE DETAILS:**

Professional fees	\$	Excavation	\$
% of Development cost	%	Cost per m <sup>2</sup> of site area	\$ / m <sup>2</sup>

% of Construction cost	%	<b>Car Park</b>	\$
<b>Demolition and site preparation</b>	\$	Cost per m <sup>2</sup> of site area	\$ / m <sup>2</sup>
Cost per m <sup>2</sup> – site area	\$ / m <sup>2</sup>	Cost per space	\$
<b>Construction – Commercial</b>	\$	<b>Fit out – Commercial</b>	\$
Cost per m <sup>2</sup> – commercial area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> – commercial area	\$ / m <sup>2</sup>
<b>Construction Residential</b>	\$	<b>Fit out – residential</b>	\$
Cost per m <sup>2</sup> – residential area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> – residential area	\$ / m <sup>2</sup>
<b>Construction – retail</b>	\$	<b>Fit out - retail</b>	\$
Cost per m <sup>2</sup> – retail area	\$ / m <sup>2</sup>	Cost per m <sup>2</sup> – retail area	\$ / m <sup>2</sup>

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development 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 (AIQS).
- Calculated the development costs in accordance with the definition of development costs in clause 208 of the *Environmental Planning & Assessment Regulation 2021*.
- 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 2.

<b>Name</b>	
<b>Signed</b>	

Position & Qualification	
Date	

**Note:** For development more than \$3 million, a detailed cost report prepared by a registered\* quantity surveyor.

\*A member of the Australian Institute of Quantity Surveyors



## Appendix D - Model Conditions of Consent

The following model Conditions of Consent may be used for Development Consents and Complying Development Certificates.

### Model Development Condition of Consent

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022 (the Plan), a monetary contribution of **[\$[insert total amount]** must be paid to Council for the purposes of the provision, extension or augmentation of public amenities and services within the **[insert catchment]** catchment.

To account for indexation, the contributions are adjusted quarterly and therefore may be adjusted at the time of payment in accordance with the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022. The contribution is to be paid before **[insert requirement]**. It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contribution has been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at <https://www.snowymonaro.nsw.gov.au/Home>, on the NSW Planning Portal or a copy may be inspected at Council's Offices during normal business hours.

### Model Complying Development Condition

Pursuant to Section 4.28(6) of the Environmental Planning and Assessment Act 1979, and the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022 (the Plan), a monetary contribution of **[\$[insert total amount]** must be paid to Snowy Monaro Regional Council for the purposes of the provision, extension or augmentation of public amenities and services within the **[insert catchment]** catchment.

To account for indexation, the contributions are adjusted quarterly and therefore may be adjusted at the time of payment in accordance with the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022. The contribution is to be paid before **[insert requirement]**. It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contribution has been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at <https://www.snowymonaro.nsw.gov.au/Home>, on the NSW Planning Portal or a copy may be inspected at Council's Offices during normal business hours.

# Appendix E – Rollover funds, Catchments and Works Schedules

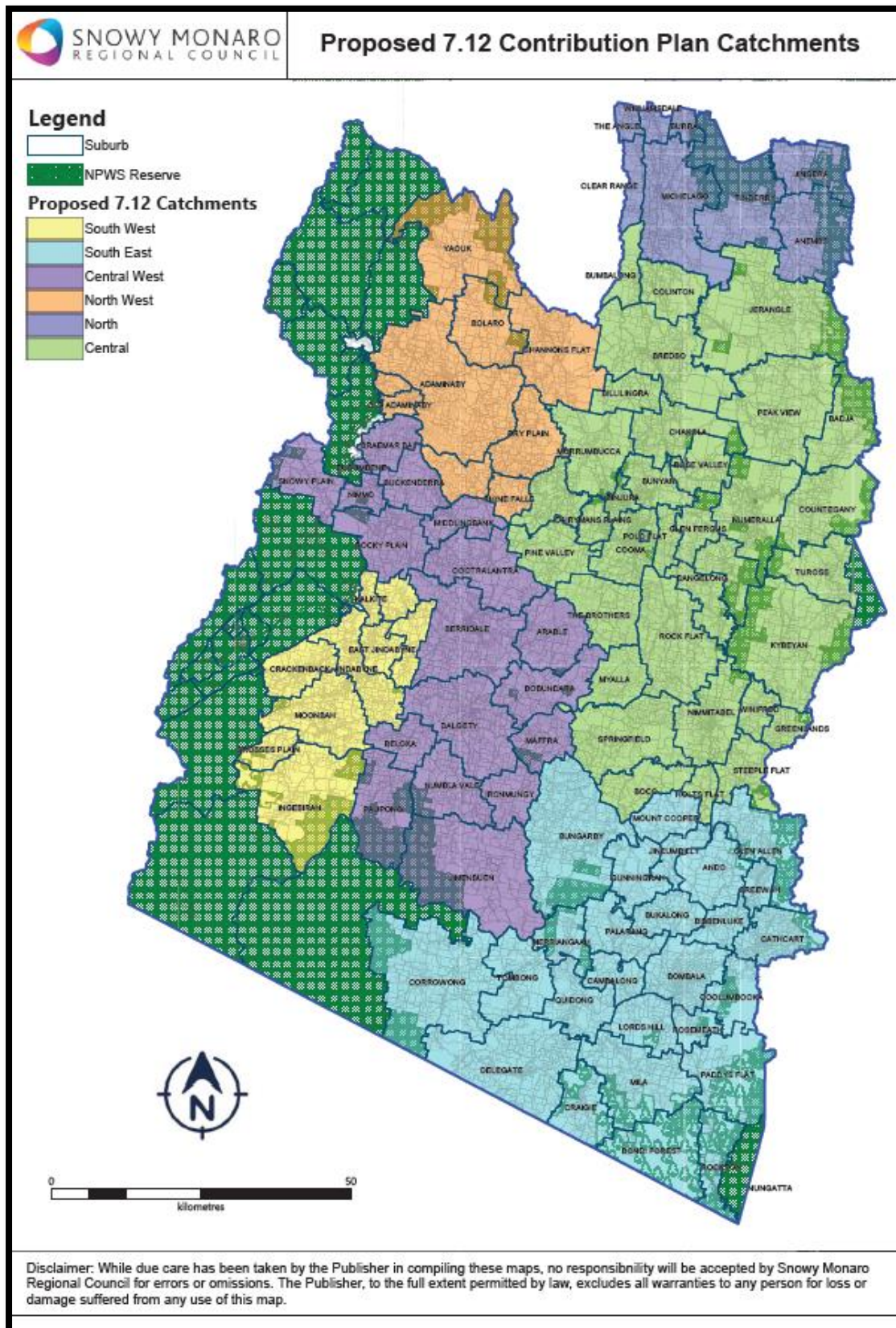





Figure 4 Catchments under the Snowy Monaro 7.12 LIC Plan

## North West (Adaminaby)

### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Bushfire	\$648.94
Community Facilities	\$3,707.06
Open Space & Public Art	\$1,549.37

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Playground embellishments including shade	\$68,000	2024/2025
	Upgrade of public toilets	\$250,000	2027/2028
	Paths along Dension Street and Baker Street	\$120,000	2029/2030
	Plan administration	\$2,760	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

### 3. Map of Infrastructure Locations









Figure 5 Adaminaby


## Central West (Berridale, Dalgety)

### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Sport & Recreation	\$12,476.76
Bushfire	\$7,470.72
Roads	\$20,187.58
Community Facilities	\$51,869.50
Open Space & Public Art	\$7,129.64
Kerb & Gutter	\$30,908.69

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Berridale Town Masterplan Stage 2, including Berridale Civic Plaza	\$807,636	2024/2025
	Provision of shade, water bubblers and bins at Berridale skate park	\$68,000	2025/2026
	Myack Creek Walk	\$520,000	2027/2028
	Berridale Town Masterplan	\$787,646	2030/2031

	Stage 3, including upgrade Myack Street & Park Street, pond & external courtyard		
	Berridale path connections	\$250,000	Over the life of the Plan
	Plan administration	\$10,850	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

### 3. Map of Infrastructure Locations



Figure 6 Berridale







## South East (Bombala, Delegate, Cathcart)

### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
N/A as former section 94A plan	\$20,090.96

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Public realm landscaping and planting	\$5,000 per year	Ongoing throughout the life of the plan
	Open space and public realm improvements	\$300,000	2023/2024
	Provision of shade, water bubblers and bins at Bombala skate park	\$60,000	2024/2025
	Endeavour Reserve Trail Network	\$350,000	2028/2029
	Plan administration	\$5,290	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

### 3. Map of Infrastructure Locations









Figure 7 Bombala

## Central (Cooma, Numeralla, Bredbo, Nimmitabel)





### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Parking	\$38,793.35
Roads	\$403,327.60
Open Space (Cooma)	\$357,794.46
Open Space (Villages)	\$3,321.80

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Public realm landscaping and planting	\$10,000 per year	Ongoing throughout the life of the plan
	Cooma Swimming Pool	\$5,000,000	2023/2024
	Cooma Lions Park Master Plan Embellishments	\$640,000	2024/2025
	Provision of shade, water bubblers and bins at Cooma skate park	\$68,000	2025/2026
	Massie Street Bridge	\$2,000,000	2025/2026
	Polo Flat works, roads, drainage, landscaping	\$2,500,000	2027/2028



	Bredbo River Trail	\$55,000	2028/2029
	Nimmitabel Heritage Walk	\$50,000	2029/2030
	Cooma path connections	\$500,000	Over the life of the Plan
	Bredbo path connections	\$250,000	Over the life of the Plan
	Plan administration	\$22,650	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

### 3. Map of Infrastructure Locations



Figure 8 Nimmitabel



Figure 9 Bredbo

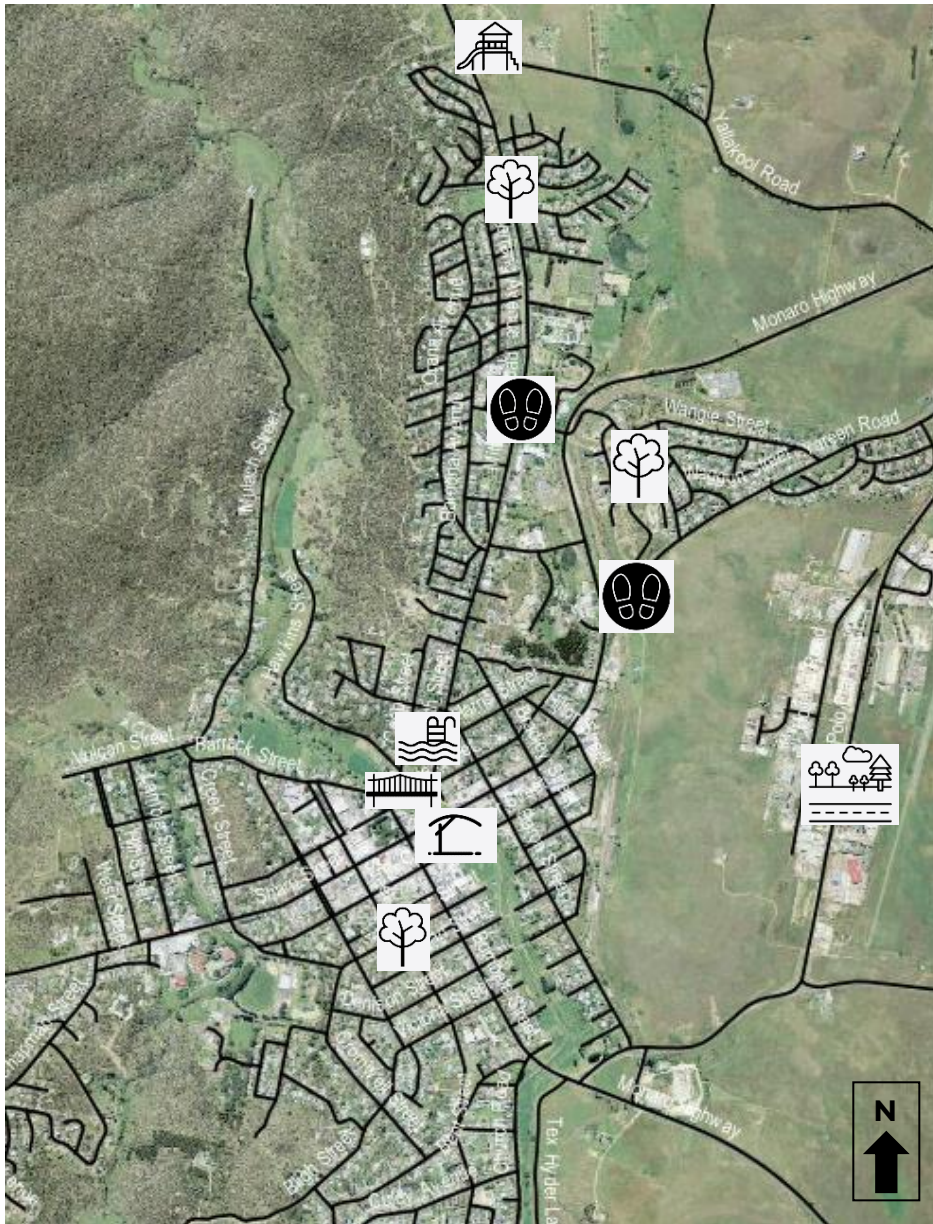





Figure 10 Cooma











## South West (Jindabyne, East Jindabyne, Kalkite)

### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Shared Trails (East Jindabyne)	\$100,912.54
Sport & Recreation (Jindabyne)	\$34,234.08
Sport & Recreation (East Jindabyne)	\$9,807.60
Bushfire	\$48,854.79
Roads	\$309,022.89
Community Facilities	\$373,939.66
Open Space & Public Art (East Jindabyne)	\$12,044.39
Open Space & Public Art (Jindabyne)	\$31,583.32
Shared Pathways (East Jindabyne)	\$7,848.41
Shared Pathways (Jindabyne)	\$18,549.97

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Public realm landscaping and planting	\$10,000 per year	Ongoing for the life of the plan
	Jindabyne Library	\$3,500,000	2022/2023
	Jindabyne Town Centre	\$1,100,000	2023/2024

	Barry Way Shared Pathway	\$484,000	2023/2024
	Highview Park, including car parking	\$530,000	2025/2026
	Jerrara Drive kerb & gutter	\$1,000,000	2026/2027
	East Jindabyne Park, including parking	\$760,000	2026/2027
	Banjo Patterson Park embellishments	\$2,250,000	2027/2028
	Jindabyne West Park	\$380,000	2027/2028
	East Jindabyne Boat Ramp	\$330,000	2027/2028
	Kalkite open space embellishment	\$200,000	2029/2030
	Shared pathway construction Jindabyne	\$500,000	Over the life of the Plan
	East Jindabyne path widening and extension	\$250,000	Over the life of the Plan
	Plan administration	\$51,800	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.







Figure 13 Jindabyne






## North

### 1. Funds to be rolled over from previous plan

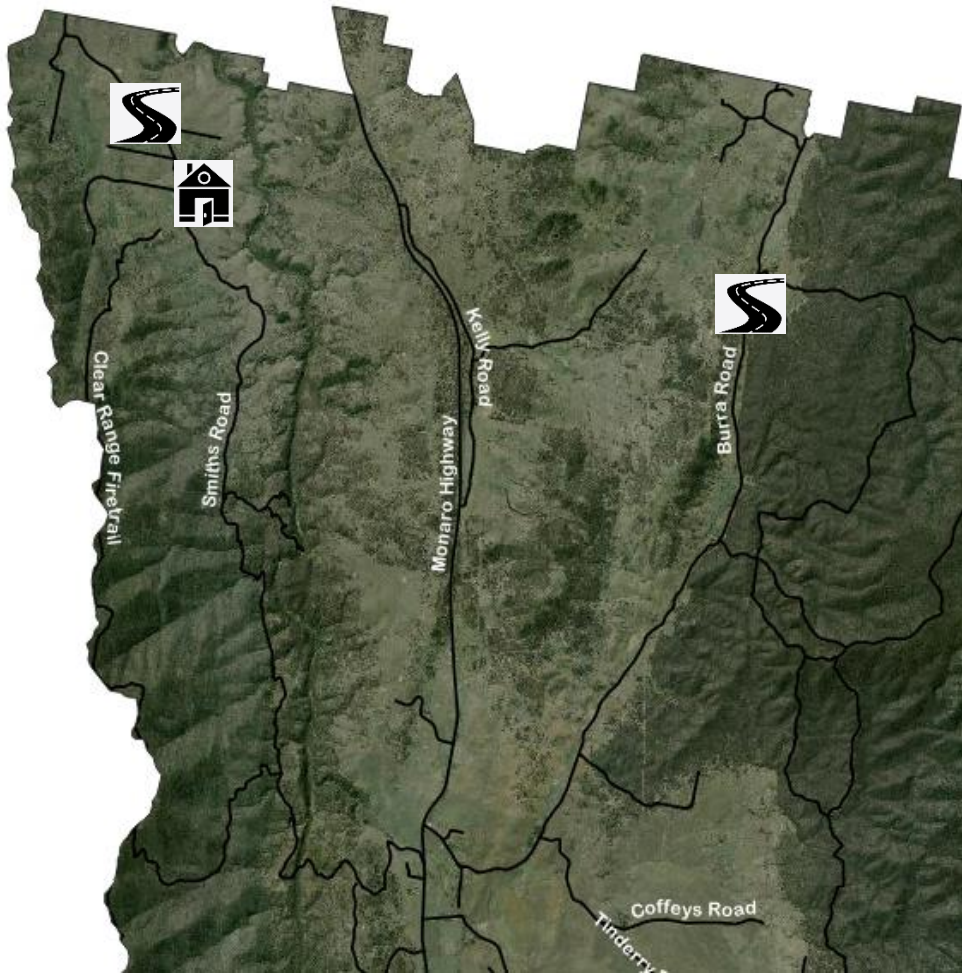
Infrastructure Category	Balance to be rolled over
Roads	\$385,658.70
Community Facilities	\$31,479.75

### 2. Schedule of Works

Map Ref	Description	Approximate Total Facility Cost	Priority/Timing
	Smiths Road Upgrade	\$2,471,000	2023/2024
	Smiths Road Community Facilities	\$110,000	2025/2026
	Burra Road Upgrade	\$6,000,000	2031/2032
	Plan administration	\$6,650	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

### 3. Map of Infrastructure Locations



## Regional Waste Infrastructure

### 1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Waste Management	\$243,962.08

### 2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Regional Waste Infrastructure	\$15,000,000	Over the life of the Plan

## 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 (2016) Census Data
- Snowy Monaro Local Strategic Planning Statement 2020
- Draft Snowy Monaro Settlements Strategy 2021
- Snowy Monaro Regional Trails Masterplan 2021
- Snowy Mountains Special Activation Precinct Masterplan 2022
- Berridale Village Landscape Master Plan Report 2014
- Polo Flat Structure Plan 2009
- Youth Strategy 2019-2022
- Bombala Masterplan 2020
- Jerrara Drive Road Safety Review 2020
- Regional Waste Management Strategy 2021
- Snowy Monaro Employment Lands and Rural Lands Analysis 2020
- .id Consulting Pty Ltd (2022). Snowy Monaro Regional Council Population Forecast <https://forecast.id.com.au/snowy-monaro>
- Environmental Planning & Assessment Act 1979*
- Environmental Planning & Assessment Regulation 2021*
- Section 7.12 fixed development consent levies Practice Note 2021
- Infrastructure Contributions Practice Note Review Policy Paper October 2021