



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	24 February 2010
Resolution No	Click to enter Minute No or N/A if an approved document.
Date effective	24 February 2010
Date last reviewed	28 June 2022
Next review date	28 June 2023
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	22/54075
Supporting documents	NA

Table of contents

Overview	4
1.0 Summary Schedules	4
1.1 Contribution amount	4
1.2 Work schedule	5
1.3 Work schedule maps	5
2.0 Administration and operation of the Plan	5
2.1 Definitions	5
2.2 What are development contributions?	5
2.3 What is the name of this Plan?	8
2.4 When does this Plan commence?	8
2.5 What is the purpose of the Plan?	8
2.6 What is this Plan's relationship to other plans?	8
2.7 To what areas does this Plan apply?	8
2.8 To what types of development does this Plan apply?	8
2.9 How does this Plan operate?	9
2.10 How is the proposed cost of development determined?	9
2.11 When are contributions payable?	10
2.12 Obligations of accredited certifiers	12
2.13 Are there alternatives to paying the contributions?	13
2.14 Refunds	13
2.15 Pooling of contributions	13
2.16 Review and update of Plan	14
2.17 Goods and Services Tax	14
2.18 Financial and public accountability	14
3.0 Expected development and facility demands	14
Appendix 1 – Ministerial Direction	16
Appendix 2 – Cost Summary Report	17
Appendix 3 – Work Schedule	18
Appendix 4 – Map of Work Schedule	20

Section 7.12 Contribution Plan

Overview

Kiama local government area (LGA) is located on the Illawarra coast of NSW, south of Wollongong. The LGA is 260 square kilometres comprising a landscape that varies from coastal beaches to rolling hills and escarpment areas.

The LGA in 2006 had an estimated resident population of 20,000 persons. Kiama township is the largest settlement comprising a population of about 12,000 persons. There are a number of other towns and villages in the LGA (the largest being Gerringong, Kiama Downs and Minnamurra).

Based on a review of current land use planning policies, recent development and population trends, and population projections, it is anticipated that the LGA will continue to accommodate residential development. Such development is likely to be located on the fringe of existing towns (in the form of land subdivision) and as infill (in the form of larger dwelling houses, dual occupancies, multi unit housing and the like). New residential development is also likely to be accompanied by further non residential development (for example, additional retail and commercial floor space) and tourist development.

The population attributable to these developments will increase the demand for urban facilities and services. Population growth will give rise to the need to augment and upgrade a range of public facilities that Council has a responsibility to provide.

Development contributions are contributions of land, money and other material public benefits made by developers of land to offset the impact of development on public facilities. This contributions plan authorises Kiama Municipal Council or accredited certifiers to impose conditions on certain development approvals requiring the payment of a fixed rate levy (or an indirect contribution) by the developer. Funds collected from the levy will be applied toward the provision of new or upgraded community infrastructure provided by the Council.

This contributions plan does not affect the following:

- Developments with a proposed cost of development of \$100,000 or less
- Developments excluded by Ministerial directions contained in the Attachments to this Plan

1.0 Summary Schedules

1.1 Contribution amount

Development types	Levy
Development with a proposed cost of development more than \$100,000 but not greater than \$200,000	0.5 percent of the proposed cost of carrying out of development
Development with a proposed cost of development more than \$200,000	1 percent of the proposed cost of carrying out of development

If a Ministerial direction under Section 7.17 of the EP&A Act is in force, this Plan authorises Council to grant consent to development subject to a condition which is in accordance with that direction.

Any Ministerial direction under Section 7.17 of the EP&A Act which has been made and is in force from time to time is included in the Attachments to this Plan.

1.2 Work schedule

For the purpose of this plan, Council has identified services and amenities which have or will be provided. For services and amenities already provided recoupment of such costs will be sought. The detailed Schedule of Works is contained in [Appendix 3](#).

1.3 Work schedule maps

For the purpose of this plan, Council has identified services and amenities which have or will be provided. For services and amenities already provided recoupment of such costs will be sought. The Work Schedule map is contained in [Appendix 4](#).

2.0 Administration and operation of the Plan

2.1 Definitions

In this Plan:

Term	Definition
Act	means the <i>Environmental Planning and Assessment Act 1979</i> as amended.
Application	means a person, company or organisation submitting a development application or an application for a complying development certificate or a person, company or organisation authorised to act on a consent.
Accredited certifier	in relation to matters of a particular kind, means a person who is accredited by an accreditation body under section 6.5 of the Act in relation to those matters.
Council	means the Council of the Municipality of Kiama.
Nexus	means local government area.
Proposed cost of development	means the cost of development proposed in a development application or a complying development application as determined by the Council under the provisions of clause 208 of the Regulation.
Fixed development consent levies	means a contribution described under section 7.12 of the Act.
Planning agreement	means a voluntary agreement referred to in section 7.4 of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2021</i> as amended.

2.2 What are development contributions?

Development contributions are contributions made by those undertaking development approved under the Environmental Planning and Assessment Act 1979 (the Act).

Contributions may be in the form of money, dedication of land or some other material public benefit (or a combination of these).

Historically, development contributions were administered by local Councils as section 7.11 contributions, section 7.12 levies and voluntary planning agreements.

The Environmental Planning and Assessment Amendment Act 2008 (the Amendment Act) provides for Councils to obtain contributions in the form of:

- Direct community infrastructure contributions (formerly section 94 contributions)
- Indirect community infrastructure contributions (formerly section 94A levy), and
- Contributions included in voluntary planning agreements.

At the time of preparation of this plan, the development contributions provisions of the Amendment Act had not yet commenced. However terms such as direct and indirect contributions reflect the new contributions framework, and they are used in this document as if the Act had commenced.

Local Councils can collect direct and indirect contributions for the provision of community infrastructure. Community infrastructure is defined under the Amendment Act as public amenities and public services, but does not include water supply or sewerage services.

Voluntary planning agreements can address contributions towards the provision of public infrastructure or another public purpose. 'Public infrastructure' includes public amenities and public services, affordable housing and transport infrastructure but does not include water supply or sewerage services. Council has prepared a Planning Agreements Policy and it may negotiate planning agreements with relevant parties in accordance with that Policy and the provisions of both the Act and the Regulation.

The Amendment Act places a limitation over the type of infrastructure Council's are able to fund through development contributions and voluntary planning agreements. Money, works in kind, dedication of land or any other material public benefit gained through the above mechanisms are required to be for the provision of 'key community infrastructure', i.e.;

- a) local roads,
- b) local bus facilities,
- c) local parks,
- d) local sporting, recreational and cultural facilities and local social facilities (being community and child care centres and volunteer rescue and volunteer emergency services facilities),
- e) local car parking facilities,
- f) drainage and stormwater management works,
- g) land for any community infrastructure (except land for riparian corridors),
- h) district infrastructure of the kind referred to in paragraphs (a)–(e) but only if there is a direct connection with the development to which a contribution relates.

Contributions toward any other infrastructure (i.e. 'additional community infrastructure') cannot be required unless the infrastructure is approved as additional community infrastructure by the Minister for Planning.

Before a Council can approve a contributions plan or decide to enter into a voluntary planning agreement it must assess the proposed contributions against the following key considerations provided for under the Amendment Act:

- Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?
- What will be the impact of the proposed development contribution on the affordability of the proposed development?

- Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?
- Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?
- Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?

2.2.1 Direct or indirect contributions?

Kiama Municipal Council (Council) has traditionally sought development contributions by way of direct contributions.

In order for a Council to levy a direct contribution on development, it must demonstrate the relationship (or nexus) between the development and the extra demand for community infrastructure that the development is likely to generate.

As a result, direct contributions require the application of significant resources by a Council in order to both quantify the relationship between development and demand and to administer and account for the funds received and spent.

The contributions plans which allow Council to impose direct contributions conditions on development approvals were prepared many years ago and are in need of review. They were also prepared and implemented at a time when the development and population growth rates in the area were relatively high. Development and population has slowed and a lower growth trend is likely to continue in the foreseeable future. Notwithstanding, Council will continue to levy direct contributions where the nexus between expected development and the demand for new and augmented infrastructure can be clearly established.

Indirect contributions are an alternative development contributions mechanism designed to allow Councils to secure some funding from developers to deliver community infrastructure where the nexus between development and infrastructure demand, although present, is more difficult to quantify.

Council has determined that a contributions strategy based on imposing either direct contributions or indirect contribution levies, and the use of planning agreements on an opportunity basis, is the most appropriate strategy to address the infrastructure impacts arising from development in Kiama.

2.2.2 Indirect contributions

A Council may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage of the proposed cost of carrying out the development.

Subject to any Ministerial directions issued under the Act, the maximum amount of the levy in relation to any application of development consent will be as specified in clause 1.1 of this Plan.

A Council cannot impose as a condition of the same development consent a condition requiring a direct contribution as well as a condition requiring an indirect contribution.

Unlike direct contributions, there does not have to be a nexus between the development being levied an indirect contribution and the need for the community infrastructure for which the levy is required.

Monies collected as indirect contributions are to be directed toward a works schedule included in a contributions plan. The works schedule to this Plan is included in clause 1.2.

A condition requiring an indirect contribution that is of a kind allowed by, and determined in accordance with, a contributions plan may not be disallowed or amended by the Court on appeal.

2.3 What is the name of this Plan?

This Plan is called the Municipality of Kiama Section 7.12 (Indirect Contributions) Plan (the Plan).

This Plan has been prepared in accordance with the provisions of both the Act and Regulation, including any directions issued by the Minister for Planning under the Act.

The Plan has been prepared having regard to the most recent NSW Department of Planning's Development Contributions Practice Notes, as required by clause 211(1) of the Regulation.

2.4 When does this Plan commence?

This Plan commences on 24 February 2010.

Development applications determined on or after this date will be subject to the provisions of this Plan.

2.5 What is the purpose of the Plan?

The primary purpose of this Plan is to authorise Council or an accredited certifier to require, as a condition of development consent or complying development certificate, the payment of an indirect contribution towards the provision, extension or augmentation of community infrastructure in the Kiama LGA.

Other purposes of this Plan are to:

- ensure that an adequate level of services and facilities are provided for future residents of Kiama;
- ensure Council's management of development contributions complies with relevant legislation and guidelines, and achieves best practice in plan format and management;
- allow for Council to negotiate development contributions through voluntary planning agreements for development proposals; and
- facilitate proper financial management and accountability for the expenditure of development contributions received under this Plan.

2.6 What is this Plan's relationship to other plans?

Nothing in this Plan affects the operation and application of any direct or section 94 contributions plans that apply to land in the Municipality of Kiama.

A condition requiring a direct contribution may be imposed on a development consent as an alternative to imposing a condition authorised by this Plan, depending on the nature of the development and the demand for public facilities.

This Plan complements Council's various development control plans and policies. However, developers and owners should check other relevant plans and policies for further information and development standards that may relate to their site.

2.7 To what areas does this Plan apply?

The Plan applies to all land in the Kiama LGA.

2.8 To what types of development does this Plan apply?

This Plan applies to all applications for development consent and applications for complying development certificates under Part 4 of the Act in respect of development on land to which this Plan applies.

In relation to complying development certificates the Council or an accredited certifier must, in determining an application for a complying development certificate, impose a condition which requires the payment of a monetary contribution in accordance with this Plan.

This Plan shall not apply to development specifically excluded by any Ministerial direction issued under the Act. At the time this plan commenced such a direction had been issued. A copy of this direction is contained in the Attachments to this Plan.

2.9 How does this Plan operate?

In determining a development application, Council will impose a condition requiring the payment of a contribution in accordance with the provisions of this Plan.

In determining an application for a complying development certificate, Council or an accredited certifier will impose a condition requiring the payment of a contribution in accordance with the provisions of this Plan.

Contributions will be determined on the basis of the proposed cost of development.

Clause 1.1 of this Plan identifies the quantum of development contribution to be levied on an individual development.

Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the community infrastructure facilities that will be or have been provided within the LGA as listed in clause 1.2 of this Plan. The locations of those facilities are shown on the maps included in clause 1.3 of this Plan.

2.10 How is the proposed cost of development determined?

2.10.1 Definition

The proposed cost of carrying out of development will be determined in accordance with clause 208 of the Regulation.

Clause 208 states as follows:

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.

2.10.2 Cost summary report to accompany development application or application for a complying development certificate

A development application or an application for a complying development certificate must be accompanied by a report setting out an estimate of the proposed cost of carrying out development.

A copy of a standard cost summary report is included in the Attachments to this Plan.

Where the proposed cost of development is likely to be more than \$1,000,000 the report must be prepared by a quantity surveyor registered by the Australian Institute of Quantity Surveyors engaged by or on behalf of the applicant, at the applicant's cost (or a person who can demonstrate equivalent qualifications).

Without limitation, Council may appoint a person to review the estimate of the proposed cost of development. The review is to be undertaken at the applicant's cost.

2.11 When are contributions payable?

Council's requirements in relation to the timing of payments of monetary contributions required under this Plan are as follows:

- development applications involving subdivision - prior to the release of any Subdivision Certificate;
- development applications involving building work - prior to the release of any Construction Certificate;
- development applications involving both subdivision and building work - prior to the release of any construction certificate or the release of the subdivision plan, whichever occurs first; and
- development applications involving all other types of development – prior to the issue of an Occupation Certificate.

Where any self-certification or the like is undertaken the consent shall not operate unless and until the amount required by the consent under this Plan is paid to Council.

2.11.1 Adjustment of contributions at the time of payment

The contribution payable will be stipulated as a condition of any development consent granted by the consent authority.

The amount of contribution to be paid will also be dependent upon when the development consent is acted upon.

Contributions will be adjusted at the time of payment in accordance with the quarterly Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistics (ABS). In this regard, applicants or any other person entitled to act upon a consent, should be aware that the contribution payable may be more than that stipulated in any development consent, taking into account the CPI.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPI}_P}{\text{CPI}_C}$$

Where:

- C the original contribution amount as shown in the development consent
- CPI_P the *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment
- CPI_C the *Consumer Price index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent

2.11.2 Deferred or periodic payment

Council will only accept deferred or periodic payment of monetary contributions required under this Plan where financial hardship can be demonstrated by an applicant or any other person entitled to act upon the consent.

The decision to accept a deferred or periodic payment of a contribution is at the sole discretion of Council. Any deferral will generally be limited to a period of no more than 12 months.

Where Council allows a deferral of contributions an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. 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 contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) 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; and
- 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.

Any deferred or outstanding component of the indirect contribution will be adjusted in accordance with clause 2.10.1 of this Plan.

The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

2.12 Obligations of accredited certifiers

2.12.1 Complying development certificates

Subject to the Act and any direction of the Minister under the Act which is in force from time to time, this plan authorises that, in relation to an application made to an accredited certifier for a complying development certificate:

- the accredited certifier must, if a complying development certificate is issued, impose a condition requiring a development contribution, if such a contribution is authorised by this plan; and
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this plan.

Any Ministerial direction the Act which has been made and is in force from time to time is included in an Attachment to this plan.

It is the responsibility of the principal certifying authority to accurately calculate and apply the development contribution conditions to complying development certificates. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

If an accredited certifier fails to comply with this requirement, the consent authority may impose the necessary condition on the complying development certificate and it has effect as if it had been imposed by the accredited certifier.

2.12.2 Construction certificates

Likewise, it is the responsibility of an accredited certifier issuing a construction certificate to certify that development contributions have been paid to the Council prior to the issue of the certificate.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the consent

authority. In such cases the council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.13 Are there alternatives to paying the contributions?

If an applicant does not wish to pay a contribution or development contributions in connection with the carrying out of development, the applicant may offer to enter into a voluntary planning agreement with the Council.

Proposed planning agreements are to be prepared in accordance with Council's Planning Agreements Policy.

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.

The contributions proposed by an applicant under a planning agreement may be additional to or instead of paying a contribution in accordance with a condition of development consent authorised by this Plan.

The offer to enter into the planning agreement together with a copy of the proposed 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 requiring the agreement to be entered into and performed; or
- 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 contribution.

2.14 Refunds

Requests for the full or partial refund of contributions will be considered in limited circumstances and must be made in accordance with the following process:

- The development consent or complying development certificate must not have been acted on and must be formally surrendered;
- The current landowner must submit a written request to Council;
- The request for a refund must be made within 12 months of the payment.

A delegated council officer may approve requests for refunds, in part or full, that are made in accordance with the above provisions, or on other circumstances considered reasonable.

2.15 Pooling of contributions

To provide a strategy for the orderly delivery of the infrastructure, this plan authorises monetary community infrastructure contributions paid:

- for different purposes in accordance with the conditions of various development consents authorised by this plan; and
- for different purposes under any other contributions plan approved by the Council

to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary community infrastructure contributions under this plan are the priorities for works as set out in the works schedule contained in clause 1.2 of the plan.

In deciding whether to pool and progressively apply contributions funds, Council is satisfied that this action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

2.16 Review and update of Plan

This Plan will be reviewed on a regular basis to ensure the Plan's works schedules respond to the evolving infrastructure needs of the Kiama population.

Pursuant to clause 215(5) of the Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections.

All costs directly related to the review of this Plan will generally be charged against contributions collected under the Plan.

2.17 Goods and Services Tax

No Goods and Services Tax (GST) is applicable to the payment of development contributions made under the Act. Items in the works schedule of this Plan have been calculated without any GST component.

2.18 Financial and public accountability

Council is required to comply with a range of financial accountability and public access to information requirements in relation to development contributions, including:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions received and spent;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

3.0 Expected development and facility demands

Kiama LGA's historic development has been characterised by initial settlement for agricultural pursuits with complementary rural service towns, through to a period of gradual urban growth for tourism and lifestyle pursuits. The area's recognised natural and agricultural assets will effectively limit further substantial expansion of the urban development envelope into the future.

Kiama LGA's resident population is projected to grow at between 0.5 and 0.8 percent per annum over the next 25 years. The relatively low projected population growth rates reinforce the Illawarra Regional Strategy's agenda of limited and targeted development in and immediately surrounding Kiama's existing settlements. The types of new dwellings likely to be created will be roughly shared between multi-unit dwellings/apartments and separate houses.

It would appear that there will be no major new urban release areas that traditionally accommodate younger family households. Assuming no revision in government policy, land subdivision to provide for detached dwellings in the LGA will continue to be limited and be confined generally undeveloped vacant sites and to minor urban expansion at South Gerringong. Kiama's population is projected to age significantly with net growth projected in all age groups over 55 years and net losses in all age groups under 25 years.

The relaxed coastal lifestyle which attracts retirees, limited local employment opportunities and the LGA's relative remoteness from Sydney (compared to other Illawarra LGAs) will reinforce this demographic pattern.

Many forms of non residential development (such as commercial and retail development) are dependent on local population growth for their continued growth. No major employment land opportunities in the LGA (apart from Bombo quarry) have been planned for the next 25 years. It would appear that Kiama's current economic reliance on tourism will continue and probably strengthen in the future, as appreciation the area's conserved natural assets grows. This could give rise to more serviced apartment, resort and niche tourist developments both along the coast and in the agricultural hinterland. Although not identified in the Illawarra

Regional Strategy, it is conceivable that some of these developments may take place on land outside of the current urban settlements.

Facilities and services that support older people, such as health services and older persons housing, are also likely to be a feature of development in Kiama in the future.

A range of community infrastructure will be required to satisfy the anticipated demands generated by new development in the Kiama LGA.

New development is expected to be in terms of residential and commercial, industrial, retail, rural and other non-residential development across the LGA. Development will occur in the form of new development and alterations and additions to existing development.

Having regard to the limited spare capacity available in existing facilities, it will be necessary for Council to provide additional and/or augmented community infrastructure to meet the demands of future development.

Funds collected under this Plan will be applied to the works detailed in clause 1.2 of this Plan.

Appendix 1 – Ministerial Direction

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:

- (1) 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.

[Dated: 10 November 2006]

SCHEDULE A

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

Appendix 2 – Cost Summary Report

COST SUMMARY REPORT

DEVELOPMENT APPLICATION NO.

CONSTRUCTION CERTIFICATE NO.

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT: _____

ANALYSIS OF DEVELOPMENT COSTS:

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	\$
Lift services	\$
External works	\$
External services	\$
Other related work	\$
Sub-total:	\$

Sub-total carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant fees	\$
Other related development costs	\$
Sub-total	\$
Good and Services Tax	\$
TOTAL PROPOSED COST OF DEVELOPMENT	\$

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 proposed cost of development in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices; and
- ⇒ included GST in the calculation of proposed cost of development.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

Appendix 3 – Work Schedule

Project Number	Project	Forecast Funding Allocation				
		2021/22	2022/23	2023/24	2024/25	Total
	Roads & Bridges					
	Other Roads & Bridges	-	\$600,000	\$600,000	\$600,000	\$1,800,000
	Sub total	-	\$600,000	\$600,000	\$600,000	\$1,800,000
	Footpaths & Cycleways					
200047	Riverside Drive Footpath Section Renewal	\$30,000				\$30,000
200046	Croft Place Reserve Footpath renewal	\$15,000				\$15,000
	Other Footpaths & Cycleways		\$100,000	\$100,000	\$100,000	\$300,000
	Sub total	\$45,000	\$100,000	\$100,000	\$100,000	\$345,000
	Carparks					
200048	Bonaira Reserve car park upgrade	\$30,000				\$30,000
200166	Bonaira Oval sealed parking area and drainage	\$1,200				\$1,200
	Thomson Street, Kiama Carpark Bays					
200169	Kendalls Beach - Sth end carpark upgrade	\$30,000				\$30,000
200168	Kiama Downs SLSC - carpark upgrade	\$50,000				\$50,000
200165	Shoalhaven Street - car park north of Kiama Pre School	\$45,000				\$45,000
	Allowrie St carpark reseal		\$10,000			\$10,000
	Other Carparks and associated upgrades		\$115,000	\$125,000	\$125,000	\$365,000
	Sub total	\$156,200	\$125,000	\$125,000	\$125,000	\$531,200
	Parks, Gardens & Sportsfields					
200021	Old School Park Reserve Playground Replacement	\$50,000				\$50,000
200094	Waabie Reserve Playground replacement	\$15,000				\$15,000
	Eureka Reserve Playground renewal		\$22,000			\$22,000
200084	Emery Reserve Playground renewal	\$41,000				\$41,000
200092	Minnamurra Riverside Dr Wharf renewal	\$30,000				\$30,000
200095	Kiama Harbour Boat Ramp Boat Handling Jetty South Replacement	\$12,000	\$80,000			\$92,000

Project Number	Project	Forecast Funding Allocation				
		2021/22	2022/23	2023/24	2024/25	Total
200017	Street & Reserve Furniture	\$2,000	\$2,000	\$2,000	\$2,000	\$8,000
200960	Jubilee Park Main Access Road Surface improvement	\$20,000				\$20,000
200961	Hindmarsh Park and Black Beach Embellishments	\$30,000	\$150,000			\$180,000
200962	Kiama Harbour Public Space Embellishments	\$30,000	\$150,000			\$180,000
	Other Parks, Gardens & Sportsfields	-	\$60,000	\$60,000	\$60,000	\$180,000
	Sub total	\$230,000	\$464,000	\$62,000	\$62,000	\$818,000
	Administration					
	Development Contributions Officer	\$2,000	\$2,040	\$2,081	\$2,122	\$8,243
	Development Contributions Admin Support - Strat/Finance	\$2,000	\$2,040	\$2,081	\$2,122	\$8,243
	Sub total	\$4,000	\$4,080	\$4,162	\$4,245	\$16,486
	TOTAL	\$435,200	\$1,293,080	\$891,162	\$891,245	\$3,510,686

Appendix 4 – Map of Work Schedule

To be finalised following adoption of Capital Works Program*

How to contact Council

Post

Chief Operating Officer
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community