MURRAY RIVER COUNCIL

SECTION 7.12 LEVY DEVELOPMENT CONTRIBUTION PLAN

May 2026

CONTENTS

1 PURPOSE

The primary purpose of the plan is to meet the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021 (The Regulations).*

The Plan was prepared under Section 7.12 of the EP&A Act.

The plan aims to ensure that adequate public facilities are available for future developments. It allows Council to levy contributions from developments to provide the appropriate public amenities and services.

In the next ten years Murray River Council is expected to experience development pressures identified in our Community Strategic Plan 2025-2035 and associated with:

- Tourism and visitation associated with our Murray River towns and villages;
- Increased commercial and industrial development;
- Affordable housing and short-term accommodation to meet the demands of seasonal labour and projects in the South-West Renewable Energy Zone;
- Investment in irrigated agriculture, value adding agricultural produce industries and other water dependent development;
- Ongoing expansion of residential development within Council's major townships.

Development contributions will be used to assist Council to respond to these development pressures.

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.

2 SCOPE

The plan applies to all land within the local government area of Murray River Council as shown in Schedule 1.

This plan applies to applications for development consent and applications for complying development certificates under Part 4 of the Act.

3 ADMINISTRATION AND OPERATION OF THE PLAN

3.1 Name of the Plan

The Plan is called Murray River Council Section 7.12 Levy Development Contribution Plan 2026.

3.2 Commencement of the Plan

The Plan was adopted by Council on 24/02/2026 and commences 26/05/2026.

3.3 Relationship with other contributions plans

The Plan repeals the following contributions plans:

Murray Shire Council Section 94A Levy Development Contributions Plan-2011
Murray Shire Council Section 94 Development Contributions Plan-2011

3.4 Statutory basis of the Plan

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

7.12 Fixed development consent levies

(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under Section 7.11.

(2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:

(a) the Minister, or

(b) a development corporation designated by the Minister to give approvals under this subsection.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

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

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

(b) the maximum percentage of a levy.

3.5 Obligations of registered certifiers

In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifier must not issue a construction certificate, subdivision works certificate, subdivision for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with Section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

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

4 EXEMPTIONS TO THE CONTRIBUTIONS PLAN

This plan does not apply to the following types of development:

- where the proposed cost of carrying out the development is $100,000 or less;
- affordable housing as defined within the Act.
- a single dwelling house;
- a dwelling house that replaces an existing dwelling house;
- demolition of a building where there is no replacement building or development;
- the rebuilding or repair of damage caused to a building resulting from declared natural disasters by the NSW State Government, such as flooding or bushfire;
- works undertaken for charitable purposes or by a registered charity and not for profit organisations;
- an application by or on behalf of Council for community infrastructure, such as but not limited to, community facilities, waste management facilities, recreation areas, recreation facilities, libraries and carparks.
- an application by or on behalf of a public authority for community infrastructure or development for the benefit of the community or the environment.
- Development permitted without consent an application by or on behalf of a public authority for community infrastructure or development for the benefit of the community or the environment.
- Agricultural assets (that trigger a DA) that have no additional impact on infrastructure such as;
    - Irrigation dams
    - Irrigation pump upgrades and or new irrigation pumps
    - Hay sheds / feed sheds / machinery sheds associated with existing agricultural operations undertaken on the site.

Where significant financial hardship can be demonstrated, Council may consider a waiver or reduction in the contributions in extraneous circumstances.

<u>Note: If a development application has been made but not finally determined before this Plan comes into effect, the application will be determined in accordance with this plan.</u>

5 ROLES AND RESPONSIBILITIES

The imposition of a development levy can only be applied by the elected Council, the CEO, or by staff who are specifically and appropriately delegated to do so by the CEO.

These typically include:

- Director Sustainability and Growth
- Manager Development Services

- Development Engineer
- Senior Town Planner

Private certifiers who issue complying development certificates within the Murray River Council area are also required to impose development levies in accordance with this Plan.

6 DEFINITIONS

6.1 The following terminology is used to convey key concepts:

- “Affordable housing” has the same meaning as in the EP&A Act
- “Development application” has the same meaning as in the EP&A Act
- “Development consent” has the same meaning as in the EP&A Act
- “Planning Proposal” has the same meaning as in the EP&A Act
- “Public benefit” is the benefit enjoyed by the public because of a development contribution.
- “Public facilities” means public infrastructure, amenities and services.

6.2 Principal Certifier

Murray River Council employs registered certifiers who are authorised to carry out certification work under Section 31 of the Building and Development Certifiers Act 2018 and Sections 27-31 of the Building and Development Certifiers Regulation 2020.

6.3 Contributions

Contributions are calculated in accordance with clause 8.2 of this plan.

6.4 Consumer Price Index

Consumer Price Index (CPI) is a comprehensive measure for estimation of price changes.

6.5 Private Certifiers

Refers to a building professional who can act as a Certifier and is responsible for inspecting and approving building work to ensure it is in accordance with approved plans and State legislative requirements.

7 LEGISLATION

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

8 POLICY PROCEDURE

8.1 When is the Levy development contribution payable?

A Levy development contribution authorised by this Plan and required by a condition of a development consent (not including a Complying Development Certificate) must be paid to the Council at the time specified in the condition. If no time is specified, the contribution must be paid before the first certificate issued in respect of the development under Part 6 of the EP&A Act. This includes a Subdivision Certificate.

A development contribution authorised by this Plan and required by a condition of a Complying Development Certificate must be paid to the Council before the commencement of any work, as required by the Regulation.

In the event of an amendment to a development consent or establishment of a new use on a site that has already attracted contributions, only the difference between what has previously been paid and the new contribution will be payable.

If a proposal is received for an amendment or alteration to an existing premises where there is no net increase in floor area and or patronage, no development contribution will be payable.

8.2 Calculation of development contributions

Proposed cost of carrying out the development	Capped contribution rate
Up to and including $100,000	Nil
More than $100,000 and up to $200,000	0.5% of that cost
More than $200,000	1% of that cost

The cost of the development is determined in accordance with Section 208 of the Regulations, which is included at Schedule 2 (as at the date of this Plan).
In the absence of errors, the development contribution amount will be calculated based on the cost of works information relied upon at the time of determination.

8.3 Cost summary reports must accompany development applications or applications for complying development certificates

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, including:

- For the erection of a building or engineering or construction work - the costs associated with incidental demolition, excavation and site preparation, decontamination or remediation.
- For a change of use of land - the costs of or incidental to doing anything necessary to enable the use of the land to be changed.
- For the subdivision of land - the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

A development application or application for a complying development certificate must be accompanied by a Cost Summary Report (where the development cost is less than $1,000,000) or Quantity Surveyors Report (where the development cost is equal to or more than $3,000,000) that provides the cost of development in accordance with clause 208 of the Regulation.

This information is to be provided at the time of lodgement of the application.
For this Plan, Council requires the estimate of the cost of development to be prepared by the

following persons or classes of persons:

8.3.1 Where the cost of the development does not exceed $200,000 – the applicant or a consultant and based on standard published cost rates.

8.3.2 Where the cost of the development exceeds $200,000 but does not exceed $3,000,000 –a qualified and registered engineer or quantity surveyor. Council may, at its discretion, accept as an alternative an estimate prepared by a person with estimating or costing experience in the type of development being proposed.

8.3.3 Where the cost exceeds $3,000,000 but does not exceed $10,000,000 –a qualified and registered quantity surveyor or an estimate prepared under his or her supervision and certified by that quantity surveyor as adequate and reasonable.

8.3.4 Where the cost exceeds $10,000,000 – a qualified and registered quantity surveyor.

Schedule 2 outlines the matters to address in the preparation of cost estimates.

Clause 208 (4) of the regulation states that the following costs must not be included in the estimation or determination of development costs:

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.

8.4 How will the development contribution be adjusted

The development contribution will be adjusted in accordance with the following:

Adjusted Development Contribution = **A** + **B** where:

A is the original development contribution required by the development consent.
B is the adjustment amount which is:

$A x [Current CPI - Base CPI) / (Base CPI]

The Current CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics at the time of the review of the development contribution.

The Base CPI is the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics as at the date of commencement of this plan - xxxx 2026.

Note: If the Current CPI is less than the Base CPI, the Current CPI shall be taken as not less than the Base CPI

8.5 Complying Development Certificates and the obligation of accredited certifiers

In accordance with the Environmental Planning and Assessment Regulation 2021 (the Regulation) a certifying authority must not issue a Complying Development Certificate unless it includes a condition that a development contribution required under this Plan is to be paid to the Council prior to commencement of work.

8.6 Construction Certificates and the obligation of accredited certifiers

In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 a certifying authority must not issue an Occupation Certificate for building work or subdivision work under a development consent, unless it has verified that each condition requiring the payment of a development contribution under this Plan has been satisfied.

8.7 Expenditure of Contributions

Contributions should, where practical and possible, be utilised to fund allowable projects generally within the Council Ward boundaries within which they are collected.

9 POOLING OF DEVELOPMENT CONTRIBUTIONS

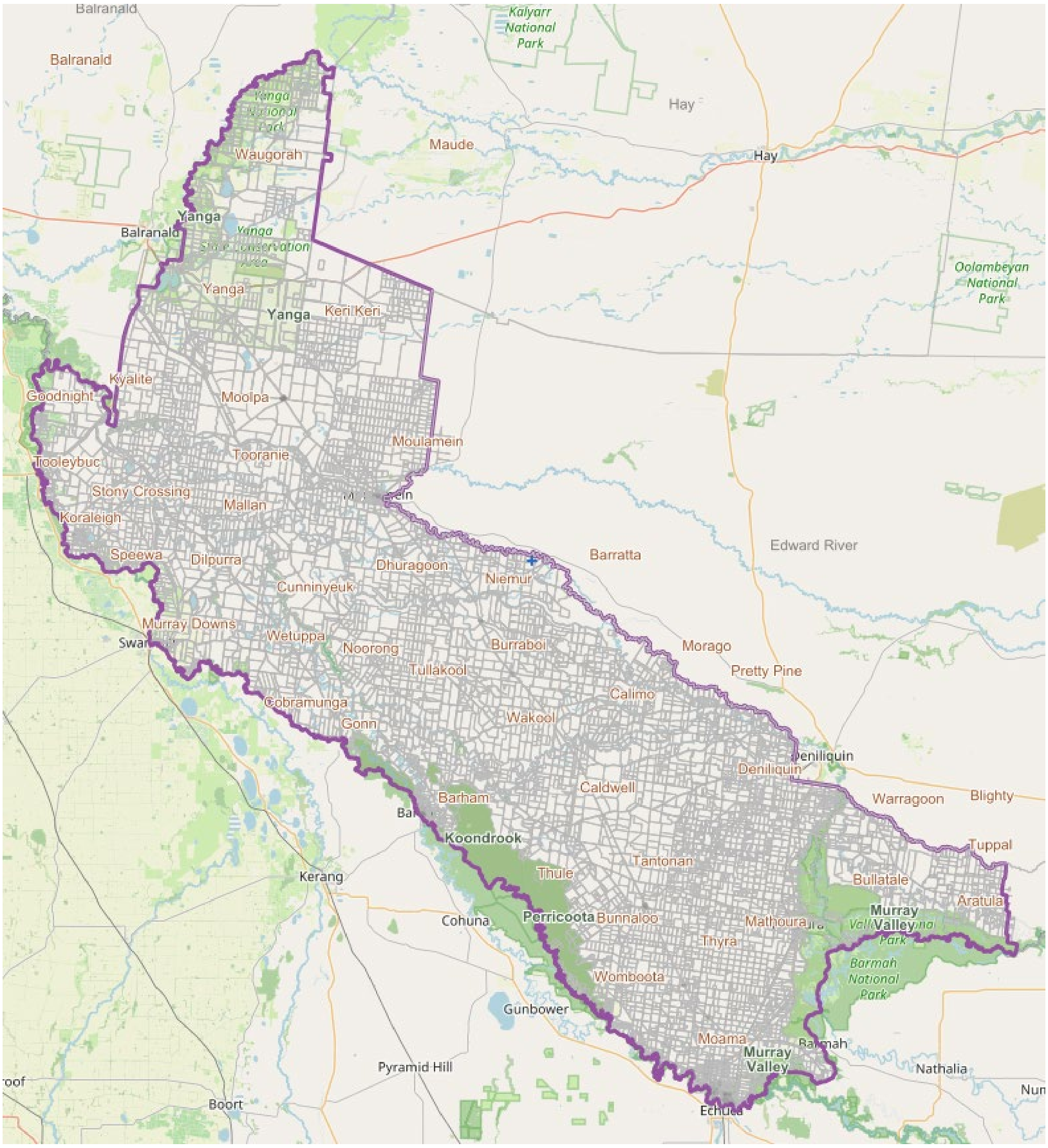
9 Pooling of development contributions

For the purposes of s7.3(2) of the Act, this plan authorises contributions paid for different purposes to be pooled and applied by the Council progressively or otherwise towards the public facilities listed in Schedule 4, in accordance with the priorities set out in that Schedule.

10 ATTACHMENTS

10.1 Schedule 1 – Plan Area

This plan applies to all land within the Murray River local government area as shown in Figure1



10.2 Schedule 2 – Calculation of Development Costs – Çlause 208 of the Environmental Planning and Assessment Regulation 2021

Clause 208 —determination of proposed cost of development

(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
   a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
   b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
   c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

(2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.

(3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
   a) the cost of the land on which the development is to be carried out,
   b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
   c) the costs associated with marketing or financing the development (including interest on any loans),
   d) the costs associated with legal work carried out or to be carried out in connection with the development,
   e) project management costs associated with the development,
   f) the cost of building insurance in respect of the development,
   g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
   h) the costs of commercial stock inventory,
   i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
   j) the costs of enabling access by disabled persons in respect of the development,
   k) the costs of energy and water efficiency measures associated with the development, l) the cost of any development that is provided as affordable housing,
   l) the costs of any development that is the adaptive reuse of a heritage item.

(4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily

accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.

(5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

10.3 Schedule 3 – Forms for cost reports

10.3.1 Cost Summary Report (by a suitably qualified person)

Development/Applicant Details

Development Application or Complying Development Certificate Number

Applicants Name

Applicants Address

Location of Development

Analysis of Development Costs

Item	Cost ($)
Demolition and excavation	
Remediation	
Site preparation	
Building construction	
Hydraulic/mechanical and fire services	
External work and services	
Preliminaries and margin	
Sub-total	
Consultant Fees	
Other related development costs	
Sub-total	
Goods and Services Tax	
Total Development Costs	

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in Section 208 of the Environmental Planning and Assessment Regulation 2021 at current prices.
- Included GST in the calculation of development costs.

Signed:
Name:
Position:

Qualifications:
Date:

10.4 Schedule 4 – Detailed works/public facilities and priority program

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Money collected through this plan will be distributed to works identified in the Capital Program, Community Strategic Plan and other applicable adopted strategic directions required because of development occurring generally in the area where the money has been collected.