

Memo -

Date created:	8 July 2020
Application Number:	DA-639/2019 (Your reference PPSSWC-37)
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To:	Planning Panel Secretariat

Comments:	<p>Condition 6 was imposed on Attachment 3 - <i>Recommended Conditions of Consent</i> for a Section 7.11 Contribution amount of \$447,070 to be paid in accordance with the "Liverpool Contributions Plan 2018".</p> <p>Council has reviewed this matter and notes that the site is outside the scope of "Liverpool Contributions Plan 2018". Condition 6 of Attachment 3 - <i>Recommended Conditions of Consent</i> is therefore invalid.</p> <p>The Panel should note that "Liverpool Contributions Plan 2018 – Liverpool City Centre" is the applicable contributions plan. Under this plan, the proposal generates a Section 7.12 contribution equal to 2% of the proposed cost of development.</p> <p>Notwithstanding this, a submission has been received by Council from the applicant claiming that Section 7.12 contributions are not applicable here to the proposed development, by virtue of the Environmental Planning and Assessment (EP&A) Regulations 2000.</p> <p>In particular, reference is made to Clause 25J(3) of the EP&A Regulations 2000. This clause nominates the costs and expenses not to be included in determining the proposed cost of development; as follows:</p> <ul style="list-style-type: none"> (a) <i>the cost of the land on which the development is to be carried out,</i> (b) <i>the costs of any repairs to any building or works on the land that are to be retained in connection with the development,</i> (c) <i>the costs associated with marketing or financing the development (including interest on any loans),</i> (d) <i>the costs associated with legal work carried out or to be carried out in connection with the development,</i>
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- (e) project management costs associated with the development,*
- (f) the cost of building insurance in respect of the development,*
- (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
- (h) the costs of commercial stock inventory,*
- (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
- (j) the costs of enabling access by disabled persons in respect of the development,*
- (k) the costs of energy and water efficiency measures associated with the development,*
- (l) the cost of any development that is provided as affordable housing,*
- (m) the costs of any development that is the adaptive reuse of a heritage item.*

As per Subclause 25J(3)(l) of the EP&A Regulations, the cost of development that is provided as affordable housing is not to be included in determining the proposed **cost of the development**. As the whole development is for affordable housing, it appears that Section 7.12 contributions are not payable in this instance.

Consequently, Attachment 3 – *Recommended Conditions of Consent* has been revised to remove Condition 6, as well as the payment form, which pertains to the requirement to pay Section 7.11 Contributions.

Furthermore, please note that the applicant has submitted to Council a set of revised architectural drawings that incorporates the amendments to the plans as specified in Condition 2 *Amendments in red* of Attachment 3 – *Recommendation Conditions of Consent*.

Attachment 3 – *Recommended Conditions of Consent* has also been revised to remove Condition 2 as well as the above-mentioned deletion of Condition 6 and payment form.