



Development Contributions and Charges Discounting Policy

DRAFT

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Development Contributions and
Charges Discounting Policy

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1 AIM AND PURPOSE

The Aim of the Development Contributions and Charges Discounting Policy (the Policy) is to encourage the carrying out of development over the life of the Policy through the waiver of development contributions and servicing charges.

The Purpose of this Policy is to outline Council's intention to facilitate the waiver of development contributions levied under Section 7.11 (formerly s94) of the *Environmental Planning and Assessment Act 1979* and water, sewer and stormwater charges levied under Section 64 of the *Local Government Act 1993* that apply to certain types of development over the period of the Policy, subject to those developments meeting the requirements of the Policy.

2 VALIDITY, COMMENCEMENT AND LIFESPAN

This policy derives its validity from Council resolution *CO/mmyy/nn*. The Policy commenced on *dd mm yy* and expires on 13 August 2023.

3 ELIGIBLE DEVELOPMENT

This Policy applies to all development (that is subject to conditions requiring payment of development contributions and/or development servicing charges) for which a valid consent exists that is completed¹ during the life of this Policy, excluding the following development type:

- Development for which a Section 7.11 (formerly s94) contribution is applied for heavy haulage.

¹Criteria for development to be considered completed is provided in Section 4 Part A.

This Policy is not intended to apply to development that has been completed or carried out prior to the Policy coming into effect and therefore, does not apply to:

- a) Development that has been completed and/or has been in use prior to this Policy coming into effect on *dd mm yyyy*.
- b) Development for which an interim or final occupation certificate has been issued.
- c) Development for which a subdivision certificate has been issued.
- d) Development for which applicable development contributions or servicing charges have been paid, in part or in whole.

4 POLICY STATEMENT

PART A Development for which consent was granted prior to this Policy

1. A person who is entitled to act on a development consent may apply to modify a condition or conditions of that consent under s4.55 (formerly s96) of the *Environmental Planning and Assessment Act 1979* so that payment of s7.11 (formerly s94) development contributions and/or Section 64 charges is not required.

2. During the life of this Policy, Council will approve applications received as described in (1) such that the relevant conditions will be modified to state that the development will not be liable for payment of s7.11 (formerly s94) contributions and s64 charges where that development is completed during the life of this Policy. Where development is not completed within the life of the Policy the development will be liable for contributions and charges and the modified conditions of consent will also reflect this.
3. Development will be considered to be completed when it meets the following criteria:
 - Construction of buildings - application for a final occupation certificate is received by the Principal Certifying Authority and all relevant matters and conditions of consent to allow the issue of a final occupation certificate are satisfied.
 - Change of use of building - application for a final occupation certificate is received by the Principal Certifying Authority and all relevant matters and conditions of consent to allow the issue of a final occupation certificate are satisfied.
 - Subdivision - application for a subdivision certificate is received by Council and all relevant matters and conditions of consent to allow the certificate to be issued are satisfied.
 - Establishment of new use of land or premises - all relevant matters and conditions of consent to allow establishment of new use are satisfied.
4. Staff authority to determine applications under Section 4.55 and in accordance with this Policy will be as per the delegations established by Council.

PART B Development for which consent is granted during the life of this Policy

1. In determining applications seeking consent for development to which this Policy applies, Council will apply conditions requiring payment of development contributions under s. 7.11 of the *Environmental Planning and Assessment Act 1979* in accordance with any applicable s94 Development Contributions Plans, where that development is not completed within the life of this Policy.
2. In determining applications seeking consent for development to which this Policy applies, Council will apply conditions requiring payment of development servicing charges under s.64 of the *Local Government Act 1993* in accordance with any applicable s64 Development Servicing Plan, where that development is not completed within the life of this Policy.
3. Development will be considered to be completed when it meets the criteria outlined in PART A.