



Hotel development regulations in Australia

Supplementary report

Austrade

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1 Introduction

This supplementary report details the regulatory mapping across jurisdictional planning regimes. It sets out the timeframes, fees and development assumptions underpinning the analysis.

The study has examined the regulatory requirements for bringing new hotel projects to market in three categories:

- a 300 room 4 star hotel in a CBD location across all capital cities
- a 100 room 5 star resort development on a Great Barrier Reef island, including marina and airstrip
- a boutique eco lodge resort in a national park, along Victoria's Great Ocean Road.

As noted in the main report, estimates for the hotel development in the Sydney CBD have separately identified requirements for a one and two stage Development Application (DA) process.

In each table there are a number of timeframe metrics, measured in weeks:

- timeframe – phase. Refers to the time that a specific phase of the approval process takes.
- timeframe – aggregate. Records the cumulative timeframe required to achieve each phase in the process,
- timeframe – basis. Records on what basis the timeframe for each phase was judged, whether it is statutory, an estimate, or information provided by councils.

1.1 LIMITATIONS

This analysis has been based on hypothetical hotel and resort developments for the purposes of comparative analysis and not for any other purpose. It should not be used as the basis for any investment or commercial decisions, or be seen as providing definitive planning requirements. Third parties should read the Disclaimer at the end of this document.

1.2 NEW SOUTH WALES, SYDNEY

Principal planning instruments:

Environmental Planning and Assessment Act 1979, Sydney Local Environment Plan 2012, Sydney Development Control Plan 2012

The Environmental Planning and Assessment Act 1979 (NSW) is the primary planning legislation in NSW. The Act and its regulations provide the overarching structure for planning control. Local governments such as the City of Sydney (CoS) have a Local Environmental Plan (LEP) which guides development and provides for environmental and heritage protections.

The New South Wales Government has overall responsibility for long-term policy priorities and for delivering investment consistent with its policy objectives. Directions and strategies are embodied in the draft Metropolitan Strategy for Sydney to 2031, the NSW Long Term Transport Master Plan and the State Infrastructure Strategy.

Councils are responsible for local strategic and statutory planning, in alignment with overall metropolitan and subregional strategies. The CoS is proactively addressing demand for, and impediments to the supply of, tourist accommodation in the City through the preparation of a Hotel Development Supply and Demand Study and draft Visitor Accommodation Action Plan (2014).

Applications for development (DAs) are assessed under different approval pathways, dependent on the nature, scale and location of development. A tourist related development with a capital investment value (CIV) over \$100 million is identified potentially as State Significant Investment (SSI) under State Environmental Planning Policy (State and Regional Development) 2011 and is determined by the Minister for Planning or delegate. In circumstances where more than 25 submissions are received, and/or where the local Council has made an objection, the application is determined by the Planning Assessment Commission (PAC).

If the CIV of the tourist related component of the overall development is less than \$100 million, the Central Sydney Planning Committee is the determining authority. This approach has been adopted for the purpose of this scenario.

Tourist accommodation is permissible with consent throughout the Sydney CBD. Bonus floorspace is available for hotel accommodation, which varies in different parts of the CBD. In some locations, the bonus for hotels is higher than residential and commercial. In the southern parts of the CBD where the hypothetical hotel project is likely to be situated, the bonus available (1.5:1) is the same as that available to residential development and serviced apartments, providing limited material incentive to provide hotel accommodation.

The Sydney LEP requires that a Design Excellence process be implemented for development in the City which meets certain criteria (see Box 1). The LEP also requires that a site-specific development control plan, or in practice a two-stage DA process, be implemented for development which meets similar criteria. It is possible for the two-stage DA and design competition requirements to be waived. In this scenario, we have tested both the one- and two-stage DA process alternatives, but we have assumed that Council does not waive the design competition requirement for the scenario involving construction of a major new CBD building.

Box.1: Design Competition in the City of Sydney

As a large metropolitan City, the City of Sydney provides land for a number of very large and capital intensive developments each year. Given that these buildings can have significant impact on the character of a city, the local government places a premium on the 'design excellence' of a building.

In order to oversee the design component of large developments, the City of Sydney or the developer will initiate a 'competitive design process.' The application of this measure is set out in clause 6.21(5) of the Sydney LEP 2012. Buildings that:

- are greater than 55 meters in central Sydney and 25 m outside of central Sydney
- have a capital value more than \$100 million
- are caught by clause 7.22 of the Sydney LEP 2012
- the developer has chosen to use the competitive design process.

The model of the competitive design process is set out in the City of Sydney Competitive Design Policy and the Model Competitive Processes Brief and will formally follow a Design Excellence Strategy. The Design Excellence Strategy will outline the extent of the competitive design process, the number of designers involved and the type of competitive design process to be undertaken. The process may present as either an architectural design competition, or the preparation of design alternatives on a competitive basis.

The developer may choose to make an architectural design competition 'open' or 'invited.' The former is treated as a call for expressions of interest where all respondents are supplied with a design brief stating the purpose of the competition, prizes to be awarded and the minimum submission requirements. The latter involves the developer inviting a minimum of 5 competitors to participate in the competition, supplying each with a design brief. If the competitive design alternatives process is elected by the developer, a minimum of 3 competitors are selected to participate in the process, where each competitor is able to submit alternative designs.

In the event of an Architectural Design Competition, the designs from each competitor are considered by a jury who will grade each submission according to the assessment criteria set out in the design brief and in conjunction with the provisions of the Sydney LEP 2012 clause 6.21(4) and the approved Design Excellence Strategy. The jury may not reach a decision, in which case the developer may ask the jury to make refinement recommendations for the existing submissions or bear the cost of repeating the design competition.

If the Competitive Design Alternatives Process is elected, the designs are presented directly to the developer who in turn ranks each submission. The developer has the freedom to suggest refinements to up to two submissions before making a decision. Following this process a report is written and reviewed by the Consent Authority.

The cost of running the competition process is borne by the developer. Notwithstanding the cost, implementing a competitive design process produces significant benefits for developers and landowners. In particular:

- Achievement of Design Excellence through a competitive design process enables applicants to be granted a height or floor space bonus of up to 10%;
- Holding a 'full' Architectural Design Competition' (as opposed to a 'design alternatives process') enables applicants to reduce the amount of 'heritage floor space' which is required to be purchased, thereby reducing development costs by up to \$400,000 (approx.).
- A high quality design resulting from a competitive process will potentially yield a higher value final product than would otherwise be achieved.

2 Sydney CBD

ONE STAGE PATHWAY: APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Formal Pre DA meeting, confirm waiver of Staged DA requirement. Agree Design Excellence strategy	City of Sydney (CoS)	1	1	Estimate	1	-	Tourist accommodation with value of tourist component under \$100m is a standard DA with the City of Sydney, determined by CSPC. Assume under \$100m. * Sydney LEP 2012 requires a DCP or Staged DA process unless waived. Assume Staged DA waiver is granted by Council.
Sub-total			1	1		1	\$0	
Design Competition	Design competition brief submitted and endorsed by Council.	CoS	2	3	Policy	1	\$120,000	Council's Competitive Design Policy aims to advise of a rejection/request revisions within 14 days. Consistent with Urbis experience.
	Run Competitive Design Alternatives Process	Proponent	4	7	Estimate			Sydney LEP 2012 requires a Design Comp unless waived. Assume waiver not given. Assume Competitive Design Alternatives Process with 3 entries. Council recommends min \$40,000 per entry for this comp type. Time estimates are best case based on Urbis experience.
	Document winning design competition entry and finalise DA package including supporting studies	Proponent	4	11	Estimate			
Sub-total			10	11		1	\$120,000	
Development Application	Lodge DA	CoS		11	Estimate	1	\$122,975	\$59,000 DA fee to Council, \$64,000 planning reform fee to NSW Govt

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Public Exhibition		4		Statutory		\$1,645	CoS identifies development over \$20m as category D = 28 day notification
	Referrals	TFNSW, Transport - RMS, Transport – Railcorp, Sydney Water	*concurrent with public exhibition and assessment			4	Minimal	
	Formal concurrences	CEO of Rail Authority	*concurrent with public exhibition and assessment			1	Minimal	
	Review by the CoS's Design Advisory panel (internal)		*concurrent with assessment					The DAP may be asked to review the design given that it is the result of a Design Alternatives Process
	Council provides consolidated comments on DA		*concurrent with assessment					
	Proponent response including additional information and amendments		*concurrent with assessment					
	Assessment		28 (* 200 days after lodgement)		CoS statistics		-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
	Determination by Central Sydney Planning Committee	CSPC	*concurrent with assessment	39	CoS statistics	1	-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
Sub-total			28	39		7	\$124,620	
Construction Certificate (CC)	Meet pre-conditions to CC	CoS, Railcorp	8	47	Estimate	2	-	
	Obtain CC	Private Certifier	4	51	Statutory	1	\$145,000	
Sub-total			12	51		3	\$145,000	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Contributions and Levies	Pay Long Service Levy	CoS	* prior to issue of CC	51	Statutory		\$350,000	
	Pay S61 Development Contribution	CoS	* prior to issue of CC	51	Statutory		\$1,000,000	
	Purchase Heritage Floor Space	Negotiate privately on open market	* prior to issue of CC	51	Statutory		\$400,000	Assumed location requires purchase of HFS, based on 50% of all GFA over base FSR of 7.5:1. FSR of 8.5:1 therefore 1750sqm x 50%. Assume avg. HFS cost of \$450 psqm. Total \$400,000. Assume reduction in HFS not granted as ‘full’ design comp not held.
Other authority approvals	S138 Permit under the Roads Act	RMS	* prior to issue of CC	51	Statutory	1	Minimal	
	Section 73 Approval	Sydney Water	* prior to issue of CC	51	Statutory	1	Minimal	
Commonwealth approvals / phases	N/A							
Land tenure approvals / phases	N/A							
Sub-total			-	51		2	\$1,750,000	
Total			51	51		14	\$2,139,620	

TWO STAGE PATHWAY: APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Formal Pre DA meeting	City of Sydney (CoS)	1	1	Estimate	1	-	Tourist accommodation with value of tourist component under \$100m is a standard DA with the City of Sydney, determined by CSPC. Assume under \$100m.
	Prepare and lodge Development Application including supporting technical reports	Proponent	4	5	Estimate	0	-	Sydney LEP 2012 requires a DCP or Staged DA process unless waived. Assume waiver is NOT granted by Council.
Sub-total			5	5		1	\$ -	
Stage 1 Development Application	Lodge DA	CoS		5	Estimate	1	\$73,785	60% of full DA fee (\$59,000 fee to Council, \$64,000 planning reform fee to NSW Govt)
	Public Exhibition		4		Statutory		\$1,645	CoS identifies development over \$20m as category D = 28 day notification
	Referrals	TFNSW, Transport - RMS, Transport – Railcorp, Sydney Water	*concurrent with public exhibition and assessment			4	Minimal	
	Formal concurrences	CEO of Rail Authority	*concurrent with public exhibition and assessment			1	Minimal	
	Council provides consolidated comments on DA		*concurrent with assessment					
	Proponent response including additional information and amendments		*concurrent with assessment					

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Assessment		28 (* 200 days after lodgement)		CoS statistics		-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
	Determination by Central Sydney Planning Committee	CSPC	*concurrent with assessment	33	CoS statistics	1	-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
Sub-total			28	33		7	\$75,430	
Design Competition	Design competition brief already endorsed by Council. Run Invited Architectural Design Competition	Design Competition Jury	6	39	Estimate	1	\$200,000	The Sydney LEP 2012 requires a Design Comp unless waived. Assume waiver not given. Comp can commence when Stage 1 DA approval certain. Assume Invited Architectural Design Competition with 4 entries. Council recommends min payment of \$50,000 per entry for this comp type. Time estimates are best case based on Urbis experience.
	Document winning design competition entry and finalise DA package including supporting studies		8	47	Estimate			
Sub-total			14	47		1	\$200,000	
Stage 2 DA	Lodge DA	City of Sydney		47	Estimate	1	\$49,190	40% of full DA fee (\$59,000 fee to Council, \$64,000 planning reform fee to NSW Govt)
	Public exhibition		4		Statutory		\$1,645	CoS identifies development over \$20m as category D = 28 day notification
	Referrals	TFNSW, Transport - RMS, Transport – Railcorp, Sydney Water	*concurrent with public exhibition and assessment			4	Minimal	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Formal concurrences	CEO of the Rail Authority	*concurrent with public exhibition and assessment			1	Minimal	
	Review by the CoS's Design Advisory panel (internal)		*concurrent with assessment					The DAP may be asked to review the design given that it will be subject to a design competition
	Council provides consolidated comments on DA		*concurrent with assessment				-	
	Proponent response including additional information and amendments		*concurrent with assessment				-	
	Assessment		28 (* 200 days after lodgement)		CoS statistics		-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
	Determination by Central Sydney Planning Committee	CSPC	* 200 days after lodgement		CoS statistics	1	-	CoS advises average determination period of 200 days (28.5 weeks) for development over \$50m
Sub-total			28	75		7	\$50,835	
Construction Certificate	Meet pre-conditions to CC	CoS, Railcorp	8	83	Estimate	2	-	
	Obtain CC	Private Certifier	4	87	Statutory	1	\$145,000	
Sub-total			12	87		3	\$145,000	
Contributions and Levies	Pay Long Service Levy	CoS	* prior to issue of CC	87	Statutory		\$350,000	
	Pay S61 Development Contribution	CoS	* prior to issue of CC	87	Statutory		\$1,000,000	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Purchase Heritage Floor Space	Negotiate privately on open market	* prior to issue of CC	87	Statutory		\$200,000	Our assumed location requires purchase of HFS, based on 50% of all GFA over base FSR of 7.5:1. We have FSR of 8.5:1 therefore 1750sqm x 50% = 875sqm. A further 50% reduction available due to 'full' design comp being held = 437.5sqm. Assume average price \$450psqm
Other authority approvals	S138 Permit under the Roads Act	RMS	* prior to issue of CC	87	Statutory	1	Minimal	
	Section 73 Approval	Sydney Water	* prior to issue of CC	87	Statutory	1	Minimal	
Commonwealth approvals / phases	N/A							
Land tenure approvals / phases	N/A							
Sub-total			-	87		2	\$1,550,000	
Total			87	87		21	\$2,021,265	

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2.1 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: SYDNEY CBD

PHASE	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Consult with stakeholders and prepare Community Impact Statement	The local police; NSW Department of Health; NSW Department of Community Services; Roads and Maritime Services; recognised leaders of the local Aboriginal community (if any) in the area; the occupier of any neighbouring premises within 100m of the boundary; special interest groups or individuals.	Total cost for CIS around \$25,000.	Cost based on practitioner advice.
	Application for Liquor Licence	Office of Liquor Gaming and Racing	Minimal	
Plans of Management	Visitor and tourist accommodation - plan of management	City of Sydney. Refer to Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act 2010, and Sydney DCP 2012	-	
	Licensed premises plan of management	City of Sydney. Refer to liquor licence requirements and Sydney DCP 2012	-	
	Coach parking management plan	City of Sydney	-	
	Footway licence approval and plan of management	City of Sydney	Minimal	
Health and building	Food premises - health database registration Notify NSW food authority	NSW Food Authority	Minimal	

2.2 GENERAL INFORMATION

LOCATION: SYDNEY CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Sydney Local Environmental Plan 2012
<i>Principal local development control plan or instrument?</i>	Sydney Development Control Plan 2012
<i>Permissibility in CBD?</i>	Tourist accommodation is permissible with consent throughout the Sydney CBD
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	The proposed hotel is a good fit on a 1750 sqm CBD fringe site in terms of resulting height and FSR, and could be assumed to comply with planning controls. It is possible that 75 parking spaces could be provided.
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	State Environmental Planning Policy (State and Regional Development) 2011 identifies development for 'tourist related purposes' with a capital investment value over \$100 million as State Significant Development (SSD). The costs of any commercial premises (including shops, offices and food and beverage, even where ancillary to the tourist purpose) are excluded from the CIV calculation.
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	State: As above. Local: No planning process incentives or disincentives specific to hotel. The City has established a Major Development Assessment Team with specific responsibility for assessing DAs over \$50 million. This specialised team enables for the streamlining of assessment processes and management of the required referrals.

QUESTION	RESPONSE
<p><i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i></p>	<p>Under the Sydney LEP 2012, bonus floorspace is available for hotel accommodation, which varies in different parts of the CBD. In some locations, the bonus for hotels is higher than residential and commercial. In the southern parts of the CBD where the hypothetical hotel project is likely to be situated, the bonus available (1.5:1) is the same as that available to residential development and serviced apartments, providing limited material incentive to provide hotel accommodation.</p> <p>Design quality requirements that apply to residential flat buildings do NOT apply to hotels.</p> <p>No specific urban design controls apply to hotels compared to other forms of development. A previous DCP which contained highly detailed controls for the design of visitor accommodation was repealed in 2012.</p> <p>Requirement to prepare a Plan of Management and Noise Management Plan for hotel operations.</p>
<p><i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i></p>	<p>All development is levied a flat 1% (S61 of the City of Sydney Act) development contribution rate. This applies notwithstanding the type of development.</p> <p>Most new buildings in Central Sydney are required to purchase "heritage floor space" (HFS). HFS cannot be easily described, but suffice to say it is an additional cost on development in central Sydney and further, it does not mean that the building under development is a heritage item. A partial reduction in the amount of HFS required to be purchased is available when a 'full' architectural design competition is held.</p>
<p><i>Consent authority</i></p>	<p>It has been assumed that the CIV of the tourist accommodation component is less than \$100m, which means that the Central Sydney Planning Committee is the consent authority. The CSPPC is made up of State and Local Government representatives who take a proactive role in monitoring major DAs with a status report on all DAs reported to the CSPPC at every meeting.</p> <p>[If over \$100m, the State and Regional Development SEPP nominates the Minister for Planning as the Consent Authority for State Significant development (SSD). In circumstances where more than 25 submissions are received, and/or where the local Council has made an objection, the application would be determined by the independent Planning Assessment Commission (PAC).]</p>
<p><i>Can the proposal be 'called in'?</i></p>	<p>Yes. The Planning Minister may 'call-in' a project as SSD where he/she receives advice from the PAC about the State or regional planning significance of the project.</p>

QUESTION	RESPONSE
<p><i>Are there review or appeal rights? If so with whom and over what timeframe?</i></p>	<p>There are both review rights and appeal rights available to proponents.</p> <p>A review of the CSPC's decision may be requested from CoS under Section 82A of the Act.</p> <p>Appeal rights to the Land and Environment Court are available to proponents, including merit appeals against refusal or conditions or approval, merit appeals against the 'deemed refusal' of the application if not determined within the statutory period, and judicial reviews.</p>
<p><i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i></p>	<p>It is possible for Council to waive the need for a two stage DA, and a Design Competition.</p> <ul style="list-style-type: none"> ▪ We have reported both a one and two stage process. ▪ We have assumed that the design competition requirement for a major new building in Central Sydney would not be waived <p>Analysis is based on a southern CBD location on George Street. If the proposal was in, say, Darling Harbour, the matter would have State Significant Development (Darling Harbour Development Plan area). Further, if the capital investment value of the tourist accommodation component was to be over \$100 million, the proposal would be State Significant Development.</p>
<p><i>How realistic are the timeframes, and how sensitive are they?</i></p>	<p>The timeframes are estimates. Even maximum statutory timeframes are considered estimates, as the only enforcement avenue is to commence expensive and uncertain appeal proceedings.</p> <p>The DA assessment time frame of 200 days is an average determination time frame for development over \$50m in value, as provided to Austrade by the Acting CEO of City of Sydney by way of letter dated 18 March 2015.</p>
<p><i>Variability of process and requirements across State jurisdictions and other comments?</i></p>	<p>Every Local Government Area within NSW has differing requirements in relation to permissible uses, heights, floor space ratios, setbacks, incentives or otherwise for certain uses, development controls, and accommodation-specific controls.</p>
<p><i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i></p>	<p>After a three year process, the Planning Bill 2013 which initially sought to introduce Code Assessable development and otherwise streamline the planning process has been effectively abandoned. The Department of Planning and Environment are now undertaking a review to determine how to proceed.</p>

QUESTION	RESPONSE
<p><i>List of regulatory instruments that are relied upon</i></p>	<ul style="list-style-type: none"> ▪ Sydney LEP 2012 ▪ Sydney DCP 2012 ▪ Environmental Planning and Assessment Act 1979 ▪ Environmental Planning and Assessment Act Regulation 2000 ▪ State Environmental Planning Policy (State and Regional Development) ▪ State Environmental Planning Policy (Infrastructure) ▪ Liquor Act 2007 ▪ Liquor Regulation 2008 ▪ Food Act and Regulations ▪ National Food Standards Code (FSANZ) ▪ Food Act 2003 ▪ Food Regulation 2010 ▪ Local Government Act 1993 ▪ Local Government (General) Regulation 2005 ▪ NSW Health Code of Practice ▪ Public Health Act 2010

3 Melbourne CBD

Principal planning instruments:

Planning and Environment Act 1987, Melbourne City Planning Scheme, Zone and Overlay Controls

The Planning and Environment Act 1987 (Vic) provides the legislative authority for the Victoria Planning Provisions (including a State Planning Policy Framework and Local Planning Policy Frameworks tailored to each municipality). This policy framework establishes the requirements for assessing development proposals against policy objectives.

Hotel accommodation is permissible throughout the Melbourne CBD though controls vary. Specifically, the use of land for the purpose of accommodation does not require a permit within the Capital City Zone. Car parking in excess of specified rates requires a permit and the increase would need to be justified. Urban design controls apply but do not specify particular requirements for hotels. Under the Subdivision Act of 1988, The City of Melbourne collects open space contributions as a percentage rate on the value of undeveloped land.

The Minister has the power, under Section 97 of the Planning and Environment Act 1987, to call-in a planning permit application being considered. Where the application may have a substantial effect on State or regional planning or beyond its immediate locality, the application may be considered state significant. For state significant development or development over 25,000 sqm, the Minister for Planning replaces the MCC as the consent authority.

If public notification is required and more than 16 'non-identical' objections are received, an application is regarded as meeting 'substantial public objections.' The application will then be determined by the Future Melbourne Committee (FMC) which is made up of Melbourne city Councillors.

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APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Request and attend formal pre-application meeting with City of Melbourne, engage with Department of Transport, Planning and Local Infrastructure (DTPLI)	City of Melbourne, DTPLI	1	1	Estimate	2	-	Assume site is located within the Central City Zone, not in a Heritage Overlay and is exempt from Third Party Notice and Review.
	Prepare and Submit Town Planning Application including all supporting information	Proponent	4	5	Estimate			The Minister for Planning (DTPLI) is Responsible Authority for development above 25,000 sqm within the central city area. As the proposed development has gross floor area of 19,296 sqm, authority status will remain with City of Melbourne.
Sub-total			5	5		2	\$-	
Development Application	Council reviews application: planning officer may request additional information, application will be referred for comment	City of Melbourne	4	9	Statutory	1	\$16,130	Based on a development cost > \$50,000,000. Assume no further information requested prior to referral for comment, only during assessment period.
	Referred to Statutory Authorities (concurrent with Council's preliminary review)	VicRoads, Melbourne Water, Public Transport Victoria, Yarra Trams	-	9	Statutory	4	-	Assume site is in proximity to public transport — hence referrals to relevant authorities.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	OPTIONAL Referral Authority time extension	As above	*concurrent with assessment	-				A referral authority has 21 days from receipt of the application to advise the responsible authority that it needs more information. The responsible authority may request an applicant to provide any information required by the referral authority (RFI). Assume that information requested and provided within the assessment period.
	Assessment - City of Melbourne provide referral comments, submissions and advice issues	City of Melbourne	9	18	Statutory		-	
	Determination by City of Melbourne	City of Melbourne / Future Melbourne Committee	4	22	Estimate		-	
	Decision to Grant a Planning Permit	City of Melbourne / Future Melbourne Committee	1	23	Estimate	1		Assume favourable decision by City of Melbourne
Sub-total			18	23		6	\$16,130	
Construction Certificate	Meet pre-construction Permit Conditions	City of Melbourne, Relevant Referral Authorities	8	31	Estimate	1	-	
	Obtain Building Permit	Private Certifier	4	35	Estimate	1	\$100,000	Building permit application fee and private certifier
Sub-total			12			2	\$100,000	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Contributions and Levies	Building permit levy	Victorian Building Authority				1	\$96,321	Where the cost of the building work is greater than \$10,000, the Building Act 1993 requires a building permit levy of 0.128 cents in every dollar of the cost of building work, comprising of: <ul style="list-style-type: none"> • 0.064 cents to fund the building control system in Victoria • 0.064 cents to fund the dispute resolution service, Building Advice and Conciliation.
Other authority approvals	N/A							
Commonwealth approvals / phases	N/A							
Land tenure approvals / phases	N/A							
Sub-total						1	\$96,321	
Total			35	35		11	\$212,450	

3.1 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: MELBOURNE CBD

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Application for Liquor Licence	Victorian Commission for Gambling and Liquor Regulation (VCGLR)	Minimal	Assume license sought only pertains to hotel guests (not general public)
Plans of Management	Traffic Management Plan	City of Melbourne	-	
	Patron management plan / noise management plans	City of Melbourne		
	Waste Management Plan	City of Melbourne		
	Sustainable Management Plan	City of Melbourne		

3.2 GENERAL INFORMATION

LOCATION: MELBOURNE CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Melbourne City Planning Scheme
<i>Principal local development control plan or instrument?</i>	Relevant Zone and Overlay Controls
<i>Permissibility in CBD?</i>	<p>Hotel accommodation is permissible throughout the Melbourne CBD. Notably, the use of land for the purpose of accommodation (which incorporates a Hotel Accommodation) is 'as of right' within the Capital City Zone (the predominant zone covering the Melbourne CBD and the zone on which analysis has been based) meaning a permit is not required for the use. Therefore issues under consideration are limited to issues surrounding built form and car parking.</p> <p>Areas that include more site specific controls (including differing zones, heritage consideration and height controls) would require more specific consideration. This would also have implications with regard to third party notice and review rights and potential timeframes.</p>
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>The hypothetical hotel is a plausible outcome on a 1750 sqm CBD fringe site in terms of height and total floor area and could be assumed to comply with planning controls.</p> <p>Within the Melbourne CBD a permit is required to provide car parking spaces in excess of specified car parking rates. Within the CBD (outside of the retail core) car parking for non-residential uses is generally calculated by the following formula:</p> <ul style="list-style-type: none"> ▪ 12 x net floor area of buildings on the site in sqm / 1000 sqm ▪ 12 x 1750 / 1000 = 21 <p>Accordingly, to facilitate the 75 car spaces, a permit would be required and the increase would need to be justified by proponents.</p>
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	N/A
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	<p>The Minister has the power, under Section 97 of the Planning and Environment Act 1987, to call-in a planning permit application being considered by a responsible authority (as relevant) if the Minister considers the matter is of State or regional significance. For example, where the determination of the application may have a substantial effect on achievement or development of State or regional planning.</p> <p>The decision to call in an application is ultimately at the discretion of the Minister but must be based on specified criteria. Such a process would exempt the application from standard application requirements (in terms of third part notice and review as well as Council powers).</p>

QUESTION	RESPONSE
	It is noted that the Melbourne Planning Scheme generally aims to facilitate development and Ministerial assistance in a development of this size and scale would be unlikely.
<i>Are there any planning control incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	No specific urban design controls apply to hotels compared to other forms of development. Consideration will need to be given to general amenity considerations for hotel rooms (including size and access to natural light etc).
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	The City of Melbourne currently collects open space contributions under the <i>Subdivision Act 1988</i> . The contribution is collected at the time of subdivision as a percentage rate on the value of undeveloped land. The contribution is assessed by Council at up to 5% unless there is a higher rate included in the planning scheme. This contribution is only triggered at the time of subdivision, as such, should the hotel asset be retained under single ownership the requirement would not be triggered.
<i>Consent authority</i>	The Minister for Planning becomes the 'consent authority' for State significant development which is called in. The Minister for Planning (DTPLI) becomes the Responsible Authority for issuing planning permits for development above 25,000 sqm gross floor area within the central city area. For all other applications authority status remains with the City of Melbourne. In circumstances where more than 16 'non-identical' objections received (should public notification be triggered), an application is regarded as meeting 'substantial public objections' and is required to be determined by the Future Melbourne Committee (FMC) which is made up off Melbourne City Councillors.
<i>Can the proposal be 'called in'?</i>	As above.
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	There are no review rights for Ministerial Interventions. The proponent may appeal the application if not determined by Council within the statutory period (60 days). The proponent may appeal a Council decision (this includes any conditions contained within a permit). A proponent has 60 days from the date of Council's decision to submit a review to VCAT. As noted, it has been assumed that the site falls within the Capital City Zone and is not affected by heritage issues and is therefore exempt from third party notice and review rights. Should the potential site fall outside the Capital City Zone and the application triggers formal advertising, a third party may appeal a Council decision. This must be lodged within 21 days from the date of Council's decision.
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	-

QUESTION	RESPONSE
<i>How realistic are the timeframes, and how sensitive are they?</i>	Timeframes have been predominantly based on statutory requirements. However, they include estimates at certain stages. Given the size and complexity of the proposal, it is likely that there would be extensive negotiations with the City of Melbourne and relevant referral authorities which would increase timeframes.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	Every Local Government Area within Victoria has differing requirements in relation to permissible uses, heights, floor space ratios, setbacks, incentives or otherwise for certain uses, development controls, and accommodation-specific controls.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	<p>The Victorian Government has released details of a reformed development contributions framework.</p> <p>The Standard Levies will be available for use from 1 July 2015 and will be able to be applied in identified metropolitan and non-metropolitan growth locations.</p> <p>The levies will generally not apply in metropolitan locations unless the site is an identified Strategic Development Area.</p> <p>The following fees to be applicable:</p> <ul style="list-style-type: none"> ▪ Residential: \$4,500 per dwelling. ▪ Retail: \$46 per square metre, Gross Floor Area. ▪ Commercial and Industrial: \$16 per square metre, Gross Floor Area. <p>We note there is uncertainty until the implementation package is introduced in 2015 and strategic areas to be included are identified.</p>
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Planning & Environment Act 1987 ▪ Melbourne Planning Scheme ▪ Liquor Control 1998

4 Brisbane CBD

Principal planning instruments:

Sustainable Planning Act 2009, City Plan 2014

The Sustainable Planning Act 2009 provides the framework for Queensland's planning and development assessment system. It sets out the laws and the tools to manage land use planning and provides a sequence of planning from the state, regional, council, neighbourhood and site level. Strategic components of the system include Regional Plans and the State Planning Policy.

For Brisbane, the Brisbane City Plan 2014 directs all building and development in the Brisbane City Council area.

In terms of specific developments such as a hotel project, requirements in relation to permissible uses, heights, GFA, setbacks, incentive, car parking requirements etc depend upon the relevant Zones and Neighbourhood Plan areas within the Brisbane City Council. The maximum car parking rate in the City Core is 0.25 spaces per room. Depending on the size of floor plates the development may require an Impact Assessment or be Code Assessable (i.e. would not entail public notification or submitter appeal rights). Infrastructure charges normally apply to short term accommodation. However, a moratorium is available which provides a discount of \$4000 from the \$9000 total charge.

The relevant planning consent authority is the Brisbane City Council. Appeal is available through the Planning and Environment Court. Negotiated extensions to the statutory timeframes are possible with the Applicant's agreement if there is a level of political will associated with the development progressing as quickly as possible.

4.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Pre-lodgement engagement	Brisbane City Council (BCC) Councillors (Chair of Neighbourhood Planning Committee), Brisbane City Council Planning Officers and State Assessment and Referral Agency (SARA)	1	1	Estimate	3	\$1,110	It typically takes 3 weeks to secure a meeting with BCC Councillors and Council officers and plans are required to lodge the meeting request. The lead time to prepare plans and book meeting is not included. Fee estimates based on charges for 2013-14.
	Prepare and lodge Development Application including supporting technical reports	Proponent	4	5	Estimate	0		
Sub-total			5	5		3	\$1,110	
Development Application	DA lodged	Proponent		5	Estimate	0	\$37,012	Assume a GFA of 16,475 sqm for development as defined by BCC (note that parking does not generally contribute to GFA in BCC Planning Scheme). The GFA is the prime determinate of the DA fee. Also assumes 5 x applicable overlays for the purposes of DA fee calculation offset by \$1,000 fee reduction for pre-lodgement meeting. Based on the development parameters specified (i.e. site area, floor plate size and total GFA), the DA will be subject to Impact Assessment resulting in a fee that is 1.3 times higher than a Code Assessable DA. Fee estimates based on charges for 2013-14.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Acknowledgement notice stage	Receive Acknowledgement Notice confirming that the DA is properly made	BCC	2	7	Statutory	1		Assume application is ‘properly made’ as lodged.
Referral Stage	Refer a copy of the development application to concurrence and advice agencies	Proponent, SARA and Energex	1	8	Estimate	2	-	Assume there is one advice agency (Energex) triggered by proximity to a substation and that SARA is the concurrence agency for all other referral triggers.
Information Request Stage (BCC)	Receipt of Information Request from BCC	BCC	2	10	Statutory	0		Assume BCC does not exercise its available 10 day extension to issue the information request which would otherwise result in a 20 day period (or approx. 4 week period) for receipt.
Information Request Stage (SARA and Energex)	Receipt of Information Request from SARA and/or Energex	SARA and Energex	2	12	Statutory	2	-	Assume SARA and Energex do not exercise available 10 day extension to issue the information request which would otherwise result in a 20 day period (or approx. 4 week period) for receipt.
Information Request Responses	Prepare and lodge responses to information requests including any updated/amended plans or additional specialist consultant input	Proponent	4	16	Estimate	0		
Public Notification of Application	Arrange public notification requirements and complete public notification	Proponent	4	20	Statutory plus estimate		Minimal – costs for site notices and newspaper ads	15 day. statutory advertising period plus 1 extra week allowing for time to get letters posted, public notices on site and advertisement in local paper.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Referral Agency Assesses Application	Referral agencies assess application and provides conditions	SARA and Energex	6 weeks from commencement of notification (+2)	22	Statutory	2	-	Assuming an extension is not utilised for the giving of the Information Request, period is 30 days (i.e. 6 weeks). It can be automatically extended by a further 20 days. It is assumed that this extension is not utilised. The time period starts from the receipt of the Information Request Response. Assume representations do not need to be made in relation to the referral agency conditions.
Council's Decision Making Period	BCC assess application and provides conditions	BCC	6 weeks from commencement of notification (same as above)	22	Statutory	0		Assume an extension was not utilised for the giving of the Information Request this period is 30 days (i.e. 6 weeks). It can be automatically extended by a further 20 days. We have assumed that this extension is not utilised.
Council issues Decision	BCC issues decision	BCC	1	23	Statutory	0		
Applicant's Appeal Period	Proponent writes to BCC waiving their representation and appeal rights	Proponent	1	24	Estimate			Assume a Negotiated Decision Notice is not required and that Proponent can write to BCC waiving their representation and appeal rights.
Submitter's Appeal Period	Approval doesn't take effect until after the Submitter Appeal Period	BCC and Submitters	4 weeks from decision (+3)	27	Statutory	1		4 weeks from decision. Assumes submitters are involved in application.
Sub-total			22	27		8	\$37,012	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Satisfy Conditions of Approval (Compliance Permits or Endorsement of Plans) including Operational Works Applications	Submit plans for Operational Works Approval / Certification or Endorsement (i.e. Compliance Assessment)	Proponent and BCC	7	29	Estimate and Statutory	1	Operational Works/ Certification Fees of \$14,180	Timeframes assume that the 4 weeks to prepare the material for the conditions of approval occurs concurrently with the submitter appeal period. It then takes 3 weeks to decide. Fee estimates based on charges for 2013-14.
	Bulk Earthworks		(+2 with concurrency of stages)				\$1,250	
	Erosion and Sediment Control						\$1,250	
	Road Works						\$1,250	
	Signs and Line Marking						\$1,250	
	Water Reticulation						\$1,250	
	Sewerage Reticulation						\$1,250	
	Site Based Stormwater Plan						\$840	
	Noise / Plant Certification						\$1,250	
	Certification & Report - Amplified Music Entertainment Limit						\$1,250	
	External Materials and Finishes						\$840	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Construction Management Plan						\$1,250	
	Streetscape Plan						\$1,250	
Sub-total			24	29		1	\$14,180	
Building Approval	Apply for Building Approval, building approval issued, mandatory inspection, satisfactory completion of work, issue of final certificate and lodgement of documents to Council	Private Certifier and Proponent	12	35	Estimate	1	\$48,238	<p>\$48,237.50 (approximate private certifier fee). The timeframes assume that the 6 weeks to prepare the BA drawings occurs concurrently with the submitter appeal period and the preparation of material to satisfy conditions of approval, i.e. 6 weeks from Council decision.</p> <p>Assumes 6 weeks to prepare the BA drawings and 6 weeks for the private certifier to issue a BA (includes 3 weeks for fire brigade assessment).</p> <p>Estimate of \$2.5 per square metre based on GFA including plant and car parking. Fire engineered solutions could add \$3,000 - \$4,000.</p> <p>Fee estimates based on charges for 2013-14.</p>
Sub-total			12	35		1	\$48,238	
			(+6 with concurrency)					

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Food Hygiene Permit – Food Design Application	Obtain relevant food hygiene permits under the Food Act 2006 and Food Regulation 2006	BCC			Estimate and Statutory	1	\$548	<p>Timeframes assume that the 4 weeks to prepare the material for the conditions of approval occurs concurrently with the submitter appeal period and the preparation of material to satisfy conditions of approval. Food Design Application has a statutory 20 day assessment period.</p> <p>The Food licence application cannot be made earlier than 30 days before wanting to start operating.</p> <p>Fee estimates based on charges for 2013-14.</p>
Contributions and Levies							\$2,927,040	<p>The estimated development contribution is based on \$9,000 per room for 300 rooms plus, \$200 per sqm GFA of restaurant/bar and office (i.e. 660 sqm total) and \$180 per sqm of additional retail (i.e. that is not directly associated with the hotel - 528sqm total).</p> <p>Assume that the development does not benefit from the hotel moratorium and that all rooms are classified as one bedroom. If the moratorium applied, a saving of \$92,400 would be realised for the restaurant/bar and office GFA and \$1,200,000 for the rooms (i.e. \$4000 per room).</p> <p>The development contributions also assume a vacant existing site where there are no credits available for the existing use. It is likely that credits would apply for all existing developed sites, thus reducing the total contribution payable.</p> <p>Fee estimates based on charges for 2013-14.</p>

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Pay Long Service Levy	Building And Construction Industry(Portable Long Service Leave) Authority			Estimate	1	\$465,025	Based on construction cost of \$88,576,236. Fee estimates based on charges for 2013-14.
Commonwealth approvals / phases	Nil							
Land tenure approvals / phases	Nil							
Sub-total						2	\$3,392,613	
Total			35	35		15	\$3,493,153	

4.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: BRISBANE CBD

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
Building Approval Inspections	Arrange required building approval inspections through construction phase	Private Certifier and Proponent	N/A	3 x inspections included in private certifier fee for Building Approval. We understand that three inspections may be required for a development of this nature. Additional inspections, if required would be charged at \$200 per hour.
Certificate of Classification	Arrange for final inspection and certificate of classification	Private Certifier and Proponent	N/A \$181 fee is payable to BCC to lodge final drawings.	Issue of Certificate of Classification is included in private certifier fee for Building Approval. Fees estimates are based on charges for 2013-14.
Food Hygiene Permit – Food Licence Application	Obtain relevant food hygiene permits under the Food Act 2006 and Food Regulation 2006	Proponent and BCC	\$922 food licence fee	Can be lodged up to 30 days prior to commencing operations (but no earlier). Fee estimates are based on charges for 2013-14.
On Maintenance Inspections BCC	Lodge 'as constructed' drawings and arrange On Maintenance Inspections with BCC for any water reticulation, sewer reticulation or streetscape works or other privately constructed assets that are to be handed over to Council etc.	Proponent and BCC	N/A	Occurs following construction being completed. A further off maintenance inspection needs to be completed after 12 months. There is no additional fee payable to BCC for this stage on top of the Operational Works / Compliance fee paid for at Compliance Permit Stage. Timeframe not estimated as these are not on the critical path.
Liquor licence	Prepare liquor licence application. Requires a town planning approval. It will also be necessary to prepare a Risk Assessed Management Plan and a Community Impact Statement.	Proponent and Office of Liquor and Gaming Regulation	Application fee of \$5,859	Liquor licences may take 4-6 months to be approved from the time of lodgement.
Driveway Permit	Lodge application for Driveway Permit	BCC	Minimal	

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4.3 GENERAL INFORMATION

LOCATION: BRISBANE CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	<i>City Plan 2014</i>
<i>Principal local development control plan or instrument?</i>	City Centre Neighbourhood Plan Code (as contained in <i>City Plan 2014</i>)
<i>Permissibility in CBD?</i>	Permissible Use
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	GFA / Floor Plate size triggers Impact Assessment. With smaller floor plates and more storeys the development may be able to be Code Assessable (i.e. no public notification and no submitter appeal rights). The maximum car parking rate in the City Core is 0.25 spaces per room, which equates to 75 spaces. The amount proposed for the site.
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	<i>Sustainable Planning Act 2009</i>
<i>Are there any planning process incentives or disincentives relevant to hotel accommodation (local or State?) — e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	Brisbane City Council has recently withdrawn a moratorium on the payment of Brisbane City Council Infrastructure Charges (the Queensland Urban Utilities Charges continue to apply) for 4 and 5 star hotel development (i.e. where the development receives an official rating of four or five stars) where a development application is approved prior to 30 June 2014.
<i>Are there any planning control incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	No
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	Yes, infrastructure charges are payable. A specific rate applies to short term accommodation (which is less than residential — \$9,000 total charge (BCC and QUU) for a 1 or 2 bed short term apartment as opposed to \$19,000 for permanent residential or \$18,000 for long term residential). See above note on the moratorium to encourage hotel development. The moratorium, where applicable, would provide for a discount of \$4000 per 1 or 2 bed short term apartment.
<i>Consent authority</i>	Brisbane City Council
<i>Can the proposal be 'called in'?</i>	Yes, although unlikely in this case.
<i>Are there review or appeal rights? If so</i>	Yes, through the Planning and Environment Court. Approximate timeframe of 12 months.

QUESTION	RESPONSE
<i>with whom and over what timeframe?</i>	
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	<p>Assumed a site located within the CBD (i.e. the Principal Centre Zone and within the City Centre Neighbourhood Plan Area). Outside of this area the triggers for Impact Assessment differ and therefore it may be possible for a Code Assessable Application.</p> <p>No specialist consultant fees employed by the proponent to prepare and manage the application have been identified.</p> <p>Additional construction related fees and permits may be required associated with gantries and hoarding applications and temporary road closures for construction related activities etc.</p> <p>All fees estimates are based on charges for 2013-14.</p>
<i>How realistic are the timeframes, and how sensitive are they?</i>	<p>The timeframes do not allow for the extensions that are available to each of the statutory authorities or any additional, negotiated extensions to the statutory timeframes which are possible with the Applicant's agreement. This is based on there being a level of political will to seeing the development proceed as quickly as reasonably possible. Accordingly, there is likely to be a factor of an additional 20 to 40 business days on top of the specific statutory timeframes where the development application is complex or involves submitters.</p> <p>Further, the timeframes assume concurrent undertaking of activities such as preparation of operational works drawings and building plans during the submitter timeframes to minimise post planning approval timeframes as much as practically possible.</p>
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	The specific Zones and Neighbourhood Plan areas within BCC within which the site is located affects the requirements in relation to permissible uses, heights, GFA, setbacks, incentive, car parking requirements etc.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	The proposed Planning and Development Act is likely to commence in 2015 (a draft Bill is not yet available for review). This may impact/change the planning and assessment process and applicable statutory timeframes.
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Sustainable Planning Act 2009 ▪ Sustainable Planning Regulations 2009 ▪ City Plan 2014 ▪ Building Act 1975 ▪ Building Code of Australia ▪ Food Act 2006 ▪ Food Regulation 2006 ▪ Liquor Act 1992

5 Perth CBD

WESTERN AUSTRALIA, PERTH

*Principal planning instruments:
Planning and Development Act 2005, City Planning Scheme No. 2*

The Planning and Development Act 2005 is the principal piece of planning legislation in Western Australia. Legislation is supported by the Planning and Development Regulations.

The Regional planning framework administered by the Western Australian Planning Commission (WAPC) consists of regional strategies, structure plans, and region schemes. Regional strategies and structure plans provide the broad framework for planning at the regional level and the strategic context for local planning schemes.

The WAPC has State-wide responsibilities for urban, rural and regional land-use planning and land development matters.

In terms of hotel projects in Perth, permissibility of hotel development within the CBD is dependent on the precinct in which it is located. The approval process does not differ however the planning controls vary across the CBD. In some precincts 'Special Residential' purposes, which include hotels, are deemed a 'preferred use' subject to Council approval.

The CBD has strict regulations regarding maximum plot ratio limits which are outlined in the City Planning Scheme No. 2. A 40% plot ratio bonus can be permitted for providing high quality hotel accommodation. The local government does not have any discretion to vary the plot ratio requirements any further than 50% and only in a limited number of locations. Parking spaces are subject to the Perth Parking Policy 2012.

Once estimated cost exceeds \$15 million (or \$7 million outside the City of Perth), development assessments can no longer be determined by the local government or the Western Australian Planning Commission (WAPC) but must be referred to the Development Assessment Panel (DAP). The State Government has incentivised hotel development on a case-by-case basis however applications must still progress through the standard planning process. Only the owner can request a review of a decision by the DAP and there are no third party rights of review.

5.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Pre-lodgement meeting(s)	Proponent, City of Perth	1	1	Estimate	1	Minimal	The City of Perth encourages pre lodgement meetings prior to formal lodgement (\$80.30 including GST).
	Prepare development application material – statement of planning compliance, site analysis, plans, photo montage, technical reports	Proponent	4	5	Estimate			
Sub-total			5	5		1	\$ -	
Development Application	Lodge Development Assessment Panel (DAP) application to City of Perth	Proponent		5	Statutory	1	\$40,753	City of Perth Application Fee: \$34,196 DAP Fee: \$6557
	Local Government refers and assesses application and consults relevant parties (concurrent with 80 day assessment timeframe)	Local Development Assessment Panel (LDAP), City of Perth Design Advisory Committee, Western Power, Main Roads, Water Corporation, adjoining landowners	13	18		5		Application requires public advertising (City of Perth advertises all applications to adjoining owners for comment).
	Application presented to City of Perth Design Advisory Committee. This forms part of the assessing planner's consideration and recommendation to the LDAP		*concurrent with DAP application	18		0		
	Local Government Prepares report and recommendation on application within (max) 80 (calendar) days	Local Government	*concurrent with DAP application	18		0		No extension of time is required to prepare report.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	LDAP considers local government report within the 90 (calendar) day statutory timeframe. Meeting held.	Local Government, Proponent, LDAP and any other relevant parties	*concurrent with DAP application	18		0		Application approved.
Sub-total			13	18		6	\$40,753	
Building Permit	Private certification of Building Permit Application	Private Certifier	5	23		1	\$89,338	Certificate of Design compliance based on size of project. If City of Perth: \$480 + 0.1% of estimated value of works OR If Private Certifier: about 0.1% (need to get quote from certifier)
	Obtain Building Permit	City of Perth	2	25		1	\$339,483	Building application fee 0.09% of estimate value Building service levy – 0.09%, Building Construction Industry Training Fund levy 0.2%
Sub-total			7	25		2	\$428,821	
Contributions and Levies	Long Service Leave	My Leave				1	1.9% of all salaries of construction staff, paid quarterly	This cannot be calculated until the work force flow is determined.
Other authority approvals	Nil							
Commonwealth approvals / phases	Nil							
Land tenure approvals / phases	Nil							
Sub-total						1		
Total			25	25		10	\$469,574	

5.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: PERTH CBD

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Section 39 & 40 Certificate from Local Government Liquor Licence (Restaurant) (small bar) <ul style="list-style-type: none"> Public Interest Assessment 	Proponent, City of Perth Department of Racing Gaming and Liquor	\$80.30 Restaurant - \$835, Small Bar – hotel, nightclub - \$3250	Hotel includes a restaurant and standalone bar
Plans of Management	Hotel Management Plan required. All applications should include written evidence demonstrating that the operator of the special residential use has valid membership to an appropriate professional board or body, which operates within a code of practice or licensing system. Where the operator of the use is unknown at the planning application stage, written evidence of membership will be required prior to the issue of a Certificate of Classification.	Proponent in conjunction with a board or body which may be the Real Estate and Business Agents Supervisory Board (REBA), the Perth Inner City Housing Association Inc., or other appropriate organisation.		Hotel Management Plan will be a condition of approval
Health and building	<ul style="list-style-type: none"> Fit outs for Food Premises (Food Act 2008) Liquor Act applications (as above) Construction Management Plan 	Proponent, City of Perth	<\$1000	Construction Management Plan will be a condition of approval

5.3 GENERAL INFORMATION

LOCATION: PERTH CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	City Planning Scheme No. 2
<i>Principal local development control plan or instrument?</i>	City Planning Scheme No. 2
<i>Permissibility in CBD?</i>	The permissibility of a 'hotel' in the CBD is dependent on the Precinct in which it is located. In this scenario, the proposal is assumed to be in a precinct where Special Residential (i.e. Hotel) is a 'preferred use' subject to Council approval.
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>Based on the hypothetical hotel, the proposal would not 'fit' within the Perth CBD fringe or even the Perth CBD for that matter without some modifications to the proposal specifications.</p> <p>The maximum plot ratio limits within the City Planning Scheme No. 2 do not permit the required floor area of the hypothetical hotel even with a 40% plot ratio bonus (available under clause 28 of the scheme), although it is very close at 14,700m² (assuming a 6.1 plot ratio base) (noting that these is only available in the core CBD location). Typically, the areas that have hotels are 4:1 or 5:1, which further exacerbates the issue. Assuming a CBD fringe location, the maximum plot ratio permitted would be a maximum of 9,800 m² (4:1) or 12,250 m² (5:1) would be permitted (including a 40% plot ratio bonus granted by the local government).</p> <p>The local government does not have any discretion to vary the plot ratio requirements any further than 50% and only in a limited number of locations, as mapped under their scheme (and only 40% bonus is attributed to the hotel to other 10% would need to be through the conservation of a heritage place or development of community facilities.</p> <p>In terms of the 75 car spaces, the parking requirements for the proposal are subject to the Perth Parking Policy 2012. In the CBD fringe the maximum allowable parking spaces would be 26 bays for tenants. Short-stay parking may be permitted subject to approval from the relevant planning authority. At least 50% of vehicles are to stay less than four hours and at least 90% less than 6 hours. To achieve the 75 car spaces, approval would need to be sought from the local authority for a mix of tenant and short-stay parking.</p> <p>To achieve the precise hypothetical hotel scenario, there are three options:</p> <ul style="list-style-type: none"> ▪ Acquire a larger site of at least 2,000m² to achieve the maximum plot ratio area. In the event a bonus is not granted, a total site area of at least 2,500m² would be required to achieve a total plot ratio area of 14,828m² for the hypothetical hotel; or ▪ Reduce the plot ratio area of the building to match the permitted plot ratio (and any bonus); or ▪ Purchase transferable plot ratio from a donor site (i.e. heritage site). This could be done in conjunction with a plot ratio bonus however the maximum plot ratio cannot exceed more than 20%.

QUESTION	RESPONSE
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	<p>A development application with the City of Perth's local government area with an estimated cost of \$15 million or more must be determined by a Development Assessment Panel (DAP) and cannot be determined by a local government or the Western Australian Planning Commission (WAPC).</p> <p>For applications beyond the City of Perth (any other local government area), the mandatory DAP process is triggered for applications with an estimated cost of \$7 million or more.</p>
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	<p>There are no known planning process incentives for hotel accommodation. The state government has incentivised hotel development on a site by site basis. However these applications still need to proceed through a standard planning process.</p>
<i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	<p>Under Clause 28 of the City Planning Scheme No. 2, Council may permit an increase in the maximum plot ratio area up to a maximum of 20% for new special residential uses where it is in an area eligible for the bonus. A 40% plot ratio bonus can be permitted for providing high quality hotel accommodation (i.e. 5 stars).</p> <p>Under Clause 34 of the City Planning Scheme No. 2, Council may approve the transfer of transferable plot ratio area from a donor site (e.g. heritage building).</p>
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	<p>No infrastructure contribution schemes.</p>
<i>Consent authority</i>	<p>Based on the estimated value of \$100 million, the consent authority will be the Local Development Assessment Panel – City of Perth.</p>
<i>Can the proposal be 'called in'?</i>	<p>Only where an appeal is made to the State Administration Tribunal (SAT) (refer to appeal rights below), under section 246 of the Planning and Development Act 2005, the Minister may call in an application for review if the Minister considers that the application raises issues of State or regional importance.</p>
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	<p>A person who has applied to a DAP for development approval, or sought amendment to a decision made by a DAP, can request that the SAT review:</p> <ul style="list-style-type: none"> ▪ a DAP's refusal to grant development approval or amendment to a DAP decision ▪ any approval conditions imposed by a DAP ▪ a deemed refusal of a DAP application. <p>Only the owner can request the SAT review a decision by a DAP. There is no third party rights of review; for example, a local government that disagrees with a DAP determination has no right to apply for SAT review.</p>

QUESTION	RESPONSE
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	Analysis is based on an eastern CBD location on Adelaide Terrace within a precinct area which allows for hotel / short-stay accommodation. The approval process does not differ however the planning controls vary across the CBD. We have assumed the site is under the control of the City of Perth.
<i>How realistic are the timeframes, and how sensitive are they?</i>	The timeframes are realistic. The DAP process can only be extended by request of the local government in agreement with the Applicant. The request must have justification for the delay and provide an extension date.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	Every local government area within Western Australia has varying requirements in relation to permissible uses, heights, density/ plot ratios, setbacks, incentives or otherwise for certain uses, development controls, and accommodation-specific controls.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	Scheme Amendment No. 26 includes changes to the maximum building height standards. However due to the maximum plot ratio restrictions, the building height modifications do not affect the proposal.
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Planning and Development Act 2005 ▪ Planning and Development (Development Assessment Panels) Regulations 2011 ▪ City of Perth Town Planning Scheme No. 2 ▪ Perth Parking Policy 2012 ▪ Food Act 2008 ▪ Liquor Act 1988

6 Adelaide CBD

Principal planning instruments:

Development Act 1993, Adelaide (City) Development Plan

The Development Act 1993 and associated regulations provides the framework for planning and development matters.

The Planning Strategy for South Australia, a statutory document required under section 22 of the Development Act, sets out the South Australian Government's broad directions for planning and development. The strategy has various volumes covering different geographic areas of the state, including a 30-year plan for Greater Adelaide.

The Department of Planning, Transport and Infrastructure (DPTI) is the lead state government agency. DPTI determines the South Australian planning policy framework, which embodies the government's vision for future development, the South Australian Planning Strategy.

Local governments determine development applications, with certain requirements in place for the use of independent development assessment panels or the state government Development Assessment Commission where matters of increased complexity are considered.

The Development Assessment Commission (DAC) is the relevant authority for development that exceeds \$10 million the City of Adelaide. The Inner Metropolitan Development Assessment Committee (IMDAC) has been established to act as a delegate of the DAC to determine these applications.

Hotels and tourism accommodation developments are both 'envisaged' land uses within the Capital City Zone and are a consent use for assessment on merit. A free formal pre-lodgement service is offered to proponents of development proposals over \$10 million in the Adelaide City Council Area.

6.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	A formal pre-lodgement process exists for development in the Adelaide City Council Area Pre-lodgement initiation meeting	Department of Planning, Transport and Infrastructure (DPTI)	1	1	Estimate	1	Nil – Free Case Management Service	Assumes application has followed the Pre-lodgement Service Pathway. Initiation meeting with Team Leader of DPTI investment team — DPTI case manager is assigned.
	Pre-lodgement Panel (PLP) Meeting #1	DPTI Representatives from: Adelaide City Council, ODASA (Office of Design + Architecture SA), Government Architect, Referral Agencies	1	2	Estimate	5		Meeting between the proponent and a pre-lodgement panel, comprising DPTI planning and design officers, the government architects, council representatives and referral agencies.
	City Design Review Panel (CDRP) Session 1	Established Design Review Panel	1	3	Estimate	1		Capital City Design Review Panel informs the Government Architect as a statutory referral body to provide independent advice to the Inner Metropolitan Development Assessment Commission (IMDAC) on the design quality of projects in the Capital City Zone with a capital value of over \$10 million.
	PLP Meeting # 2	DPTI Representatives from: - Adelaide City Council - ODASA (Office of Design + Architecture SA) - Government Architect - Referral Agencies	2	5	Estimate			

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	CDRP Session # 2	Established Design Review Panel	2	7	Estimate			
	Brief IMDAC	IMDAC	2	9	Estimate	1		The purpose of the briefing is to provide IMDAC with a better understanding of an upcoming project.
	PLP Meeting # 3	DPTI Representatives from: Adelaide City Council, ODASA (Office of Design + Architecture SA), Government Architect, Referral Agencies	2	11	Estimate			
	CDRP Session # 3	Established Design Review Panel	1	12	Estimate			
	PLP Meeting # 4	DPTI Representatives from: Adelaide City Council, ODASA (Office of Design + Architecture SA), Government Architect, Referral Agencies	2	14	Estimate			
	Section 37AA Agreements finalised with Agencies	Referral Agencies	1	15	Estimate	3		Up-front written responses from Referral Agencies.
Sub-total			15	15		11	\$ -	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Development Application	Proponent Lodges the Development Application and fees with DAC		1	16	Estimate		\$4,625	Formal lodgement of Development Application.
	Development Application is formally lodged following completion of pre-lodgement service	Development Assessment Commission (DAC) is the relevant authority for development that exceeds \$10 million in the City of Adelaide. Inner Metropolitan Development Assessment Committee (IMDAC) has been established to act as a delegate of the DAC to determine these applications.	3	19	Guaranteed (Target timeframe)	1	\$152,921	Assumes development over \$10 million Assumes application has followed the Pre-lodgement Service Pathway and not the traditional pathway of an application lodged directly with the DAC. Approved within 20 business days if pre-lodgement service utilised. Lodgement Fee: \$125 Development Application fee (0.125% of development cost up to a max of \$200,000) = \$152,921 (Based on a Development cost of \$122,336,544)
Sub-total			4	19		1	\$157,546	
Construction Certificate	N/A	Private Certifier	10			1	\$40,000	
Sub-total			10	29		1	\$40,000	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Contributions and Levies	CITB Levy	CITB				1	\$305,841	0.25% of development costs
								There is no direct financial contribution payable against the development of a Hotel. The developer will only generally be liable for any traffic control works, public works or facilities as a direct result of a development. An Open Space Contribution ¹ only applies to development involving the division of land, including the division of land by strata plan under the Community Titles Act 1996 and the Strata Titles Act 1988.
Other authority approvals	Encroachments Consent. Encroachments of a building into the public realm require an Encroachment Permit under the Local Government Act 1999	Adelaide City Council	Encroachments Consent	Adelaide City Council		1	Encroachments fee based on valuation	Encroachments of a building into the public realm require an Encroachment Permit under the Local Government Act 1999.
Commonwealth approvals / phases	N/A		NA					
Land tenure approvals / phases	N/A		NA					
Sub-total						2		
Total			29	29		15	\$503,387	

6.2 GENERAL INFORMATION

LOCATION: ADELAIDE CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Adelaide (City) Development Plan (Consolidated 31 July 2014)
<i>Principal local development control plan or instrument?</i>	Capital City Zone
<i>Permissibility in CBD?</i>	'Tourist Accommodation' and a 'Hotel' are both 'envisaged' land uses within the Capital City Zone and are a consent use for assessment on 'merit'.
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>There is generally no prescribed maximum Building Height limit in the city core other than Adelaide Airport Building Height Restrictions. Elsewhere in the Capital City Zone building heights range from 53m down to 43m, 34m, 28m and 22m (Adelaide Airport Building Height Restrictions still apply).</p> <p>There are no car parking requirements for 'Tourist Accommodation' or a 'Hotel' within the Capital City Zone.</p> <p>'Tourist Accommodation' in the City Frame Zone and Main Street Zones requires:</p> <ul style="list-style-type: none"> ▪ A minimum of 1 space for every 4 bedrooms up to 100 bedrooms and 1 space for every 5 bedrooms over 100 bedrooms ▪ A Maximum provision of 1 space for every 2 bedrooms up to 100 bedrooms and 1 space for every 4 bedrooms over 100 bedrooms.
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	30 Year Plan for Greater Adelaide. Development Applications are not assessed against the 30 Year Plan for Greater Adelaide. Strategic Planning Document that guides land use planning throughout South Australia.
<i>Are there any planning process incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	DPTI offers a free formal pre-lodgement service to proponents of development proposals over \$10 million in the Adelaide City Council Area.
<i>Are there any planning control incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	N/A Note: For Residential and Institutional Zones in the City of Adelaide, bonus plot ratio, up to that specified in the relevant Zone provisions, can be achieved for a Hotel development. This does not apply to the Capital City Zone.

QUESTION	RESPONSE
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	<p>There is no direct financial contribution payable against the development of a Hotel. The developer will only generally be liable for any traffic control works, public works or facilities as a direct result of a development.</p> <p>An 'Open Space Contribution' only applies to development involving the division of land, including the division of land by strata plan under the <i>Community Titles Act</i>, 1996 and the <i>Strata Titles Act</i> 1988.</p>
<i>Consent authority</i>	<p>The Development Assessment Commission (DAC) is the relevant authority for development that exceeds \$10 million in the City of Adelaide.</p> <p>The Inner Metropolitan Development Assessment Committee (IMDAC) has been established to act as a delegate of the DAC to determine these applications.</p>
<i>Can the proposal be 'called in'?</i>	<p>The Minister has the power under Section 46 of the <i>Development Act</i>, 1993 to declare a proposed development a major development if it is important for major economic, social or environmental reasons, and if the declaration is necessary for appropriate assessment.</p> <p>There has been a reluctance to declare a project as a major project and it is considered unlikely such a declaration would occur for a hotel project of this type.</p>
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	<p>The applicant can appeal to the Environment Resources and Development Court within two months from the day of receiving the Decision Notification or such longer time as the Court may allow.</p>
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	<p>Development located in the Capital City Zone of the City of Adelaide and exceeds \$10 million.</p>
<i>How realistic are the timeframes, and how sensitive are they?</i>	<p>Timeframes for the Pre-lodgement assessment pathway are based on published documentation released by DPTI.</p>
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	<p>Every Local Government Authority within South Australia has differing requirements in relation to permissible uses, heights, floor space ratios, setbacks, incentives or otherwise for certain uses, development controls and accommodation specific controls.</p>
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	<p>New policy framework for development within the City of Adelaide was introduced in April 2012.</p> <p>A five member Expert Panel was appointed in February 2013 to provide recommendations for a new planning system to Government and Parliament by December 2014.</p>
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Development Act 1993 ▪ Development Regulations 2008 ▪ Liquor Licencing Act 1997

7 Hobart CBD

Principal planning instruments:

Land Use Planning and Approvals Act 1993, State Policies and Projects Act 1993, Tasmanian Planning Commission Act 1997, Resource Management and Planning System, Zone and Overlay Controls

The primary legislation for planning in Tasmania is the Land Use Planning and Approvals Act 1993. It establishes processes for approval and amending planning schemes, recognising regional land use strategies, assessing projects of significance, and enforcement and appeal provisions. The Act requires consistency between planning schemes and regional land use strategies.

The Tasmanian Planning Commission is Tasmania's peak planning body. The Commission has specific statutory responsibility encompassing all aspects of statutory planning, the assessment of major projects and the use of public land, as well as the provision of advice to the Minister and local government in matters related to land use planning.

The use of land for the purpose of hotel accommodation is currently undefined within the Hobart Planning scheme which results in the use becoming discretionary. Accordingly, under current provisions Hotel Accommodation is a permissible use throughout the central CBD area.

The Hobart CBD currently has a preferred maximum height control of 42 metres however permission can be obtained to exceed this threshold. Any development needs to recognise Zoning and overlay controls, environmental impacts, established tourism accommodation in the area, demand for new facilities, the size of the land and the design of the building.

A project is eligible to be declared as State significant if it has the following types of attributes:

- significant capital investment and contribution to economic development
- significant impact on the environment
- complex technical processes and engineering designs
- significant infrastructure requirements.

In this case the application is assessed under Part 3 of the State Policies and Projects Act of 1993, must be approved by both Houses of Parliament and is under the authority of the Minister for Planning. However in most cases the Hobart City Council is the consent authority. An appeal can be lodged with the Resource Management and Planning Appeals Tribunal within 14 days of notification.

The Hobart Draft Interim Planning Scheme 2014 has been prepared as part of a major state-wide planning reform process which includes more specific definitions around hotel accommodation (which is not currently provided). Further, within Central City zones it is proposed to introduce policy support for higher density residential development and visitor accommodation. The new controls will be similar to the system in Victoria and will seek to encourage investment and major projects within central city areas.

7.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Attend formal pre-application meeting with Hobart City Council	Proponent	1	1	Estimate	1		
	Prepare and Submit Town Planning Application including all supporting information	Proponent	4	5	Estimate			
Sub-total			5	5		1		\$0
Development Application	Lodge DA	Hobart City Council (HCC)		5	Estimate	1		\$10,000
	Council reviews application: planning officer may request additional information, application will be referred for comment	HCC	4	9	Estimate			
	Formal Advertising Period	HCC	2	11	Statutory			
	Assessment - HCC provide referral comments, submissions and advice issues	HCC	6	17	Statutory			
	Decision to Grant a Planning Permit	HCC	1	18	Estimate	1		
Sub-total			13	18		2		\$10,000
Construction Certificate	Meet pre-construction Permit Conditions	HCC	8	26	Estimate	1		
	Obtain Building Permit	Private Certifier	4	30	Estimate	1		\$400
Sub-total			12	30		2		\$400

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Contributions and Levies	Building Construction Training Levy	HCC	To be paid before a building permit issued					\$158,477
	Building permit levy	HCC	To be paid before a building permit issued					\$79,238
Other authority approvals								
Commonwealth approvals / phases	N/A							
Land tenure approvals / phases	N/A							
Sub-total								\$237,715
Total			30	30		5		\$248,115

7.2 GENERAL INFORMATION

LOCATION: HOBART CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Planning and development in Tasmania is regulated by a series of Acts that collectively are known as the Resource Management and Planning System (the RMPS).
<i>Principal local development control plan or instrument?</i>	Relevant Zone and Overlay Controls
<i>Permissibility in CBD?</i>	<p>The use of land for the purpose of hotel accommodation is currently undefined within the Hobart Planning Scheme which results in the use becoming discretionary. Accordingly, under current provisions, Hotel Accommodation is a permissible use throughout the central CBD area (subject to planning approval).</p> <p>Areas that include more site specific controls (including differing zones, heritage consideration and height controls) would require more specific thought.</p>
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>The hypothetical hotel is a plausible outcome on a 1750 sqm CBD fringe site in terms of height and total floor area. Of note, the Hobart CBD currently has a preferred maximum height control of 42m. Notably, this is a discretionary control and planning permission can be obtained to go beyond the 42m threshold. The height and overall development needs to consider:</p> <ul style="list-style-type: none"> ▪ Zoning and overlay controls ▪ Environmental impacts ▪ Established tourism based accommodation in the area and demand for new facilities ▪ Size of land ▪ The design of the building and its responsiveness to the environment <p>The above factors will form the basis for determining potential development yields, design of building, as well as locations for future development.</p>
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	N/A
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	<p>The Minister has the power to call in projects of regional significance (introduced in September 2009.).</p> <p>A project of State significance means that a major development proposal is assessed under Part 3 of the <u>State Policies and Projects Act 1993</u>. A project is eligible to be a project of State significance if it possesses at least two of the following attributes:</p> <ul style="list-style-type: none"> ▪ significant capital investment ▪ significant contribution to the State's economic development ▪ significant consequential economic impacts ▪ significant potential contribution to Australia's balance of payments ▪ significant impact on the environment

QUESTION	RESPONSE
	<ul style="list-style-type: none"> ▪ complex technical processes and engineering designs ▪ Significant infrastructure requirements. <p>The first step in the process is the preparation of guidelines for the scope of assessment and the process for preparing the draft Integrated Impact Statement (IIS). The Commission may invite public comment on the draft guidelines before providing the proponent with the final scoping guidelines.</p> <p>The project proponent prepares the draft IIS, which describes the proposal and addresses all potential environmental, social, community and economic impacts of the construction and operation of the proposal.</p> <p>The proponent then submits its draft IIS to the Commission for assessment. The draft IIS is publicly available, comment is invited and a hearing may be held. Parties who lodge a written representation on the draft IIS may, at the Commission's invitation, make a presentation at the hearing. The Commission then prepares a Draft Integrated Assessment Report (DIAR), which is publicly available for at least 28 days.</p> <p>Representations are invited on the DIAR and considered by the Commission before determining whether a further hearing will be held. The Panel then presents a final report to the Tasmanian Premier.</p> <p>The Governor makes an order declaring the proposal to be a project of State significance. This must be approved by both Houses of Parliament before an assessment can begin.</p>
<p><i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i></p>	<p>No specific urban design controls apply to hotels compared to other form of development. Consideration will need to be given to general amenity considerations for hotel rooms (including size and access to natural light etc.).</p>
<p><i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i></p>	<p>N/A</p>
<p><i>Consent authority</i></p>	<p>Hobart City Council in most cases would be the consent authority.</p> <p>The Minister for Planning becomes the 'consent authority' for State significant development which is called in.</p>
<p><i>Can the proposal be 'called in'?</i></p>	<p>As above</p>
<p><i>Are there review or appeal rights? If so with whom and over what timeframe?</i></p>	<p>The applicant or a person who has submitted a representation within the statutory advertising period are able to appeal against a decision or conditions of approval imposed on the permit, within 14 days from the date of the written notification of the decision. This appeal is lodged with the Resource Management and Planning Appeals Tribunal.</p>
<p><i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i></p>	<p>-</p>

QUESTION	RESPONSE
<i>How realistic are the timeframes, and how sensitive are they?</i>	Timeframes have been predominantly based on statutory requirements. However, they include estimates at certain stages. Given the size and complexity of the proposal it is likely that there would be extensive negotiations with Council and relevant referral authorities which would increase timeframes. It is noted that Council are required to request an extension to the applicant if they cannot determine the application within a 42 day period.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	Every Local Government Area within Tasmania has differing requirements in relation to permissible uses, heights, floor space ratios, setbacks, incentives or otherwise for certain uses, development controls, and accommodation-specific controls.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	<p>The Hobart Draft Interim Planning Scheme 2014 has been prepared as part of a major state-wide planning reform process. The new planning scheme will replace the current City of Hobart Planning Scheme 1982 and the Battery Point Planning Scheme 1979. The scheme's format, structure and the majority of exemptions and definitions are based on the Planning Scheme Template for Tasmania. These components are common to all new planning schemes currently being developed across Tasmania.</p> <p>Of note within the revised scheme includes more specific definitions around Hotel Accommodation (which is not currently provided). Further, within Central City zones it is proposed to introduce policy support for higher density residential development and visitor accommodation within the activity centre above ground floor level and surrounding core commercial activity centre. Generally, the new controls will be similar to the Victorian system and will look to encourage investment and major projects within central city areas and established areas.</p>
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ City of Hobart Planning Scheme 1982 ▪ Hobart Draft Interim Planning Scheme 2014

8 Darwin CBD

Principal planning instruments:

Planning Act 2009, Northern Territory Planning Scheme

The main planning legislation in the Northern Territory is the Planning Act 2009. It is administered by the Department of Lands, Planning and the Environment, which develops land use policies and strategic plans.

One statutory planning document, the Northern Territory Planning Scheme, applies to the whole of the Northern Territory. It contains principles land use planning and development control. The scheme also contains area plans which further detail principles and objectives to guide development of major urban and regional centres such as Darwin.

Under the Planning Act, the Northern Territory Planning Commission seeks to ensure the planning system facilitates economic growth and protects environmental, cultural and heritage assets.

The Commission prepares integrated strategic land use plans for regions, towns and centres, and prepares guidelines and assessment criteria for the NT Planning Scheme. A secondary role of the Commission is to advise the Minister on significant developments.

The Development Consent Authority, rather than local councils, is responsible for determining development applications in accordance with the Northern Territory Planning Scheme. Membership of the Development Consent Authority includes local councils.

While there is one planning scheme which disseminates a consistent approach, the planning rules change significantly based on location. However the Darwin CBD is a consolidated area with consistent regulations. A height limit of 90 metres is enforced as well as car parking regulations which operate on a minimum standard scheme requiring cash in lieu payments if adequate spaces are not provided. The relevant consent authority is the Darwin Development Consent Authority. The applicant has the opportunity to review a refusal or unacceptable conditions within a 28 day period. Third party appeal rights do not apply within the CBD zone.

8.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Pre-application briefings of the Development Consent Authority and engage DPLE	Darwin Development Consent Authority, Department of Lands, Planning and the Environment (DLPE)	1	1	Estimate	2		Darwin DCA meetings are held bi-monthly, so timing assumes application to present is made in W1. This meeting is not compulsory — some basic plans and a presentation required. The meeting with DPLE is also not compulsory but recommended.
	Meeting with service agencies on location of service infrastructure and confirm acceptability of development in terms of active street frontages (minimising fire booster locations) Concurrent with above	City of Darwin and service agencies (assume fire, water, power)		1	Estimate	4		Required under clause 6.3.3 of NT Planning Scheme.
	Prepare Development Application material – statement of planning compliance, site analysis, plans, photo montage, and technical reports	Proponent	4	5	Estimate	-		
Sub-total			5	5		6	\$-	
Development Application	Lodge Development Application with Development Assessment Services at Darwin Development Consent Authority	Proponent		5		1	\$24,142	Application fee based on construction cost of \$93 million. On line lodgement system available. Time to lodgement can be sped up if the plans and technical reports are ready earlier.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Advertising of the application	Darwin Development Consent Authority	2	7	Statutory	0	\$319	Application for ‘Motel’ within the ‘Central Business (CB) zone, which is a Discretionary use. Application publicly notified with pink sign on the site and advertisement in the local newspaper with a 14 day comment period.
	Technical Assessment and Report to Consent Authority for determination prepared by Development Assessment Services (DAS)	Darwin Development Consent Authority	8	15	Statutory	0		It is assumed that the application is not concurrent, and not called in by the Minister. The application is determined at the Consent Authority meeting. An applicant may appeal within 28 days of receiving a notice of the decision, or if a determination is not received within 12 weeks of lodging the application. Timeframe is 12 weeks (max) (typically 6–8 weeks). Assume 8 weeks from end notification.
Sub-total			10	15		1	\$24,461	
Building Approval	Preparation of detailed documentation and statement addressing condition precedence (e.g. update plans and provide supplement information e.g. traffic report, acoustic report, etc)	Proponent/ Private Certifier	8	23	Estimate	1	\$50,000	Private Certifier – Fee. Assumes engineering costs as well.
Certificate of Compliance	Optional service – most private certifiers require.	Darwin Development Consent Authority	2	25	Estimate	1	\$189	Developer supplies clearance letter from all service authorises. DAS to inspect site to confirm built in accordance with approval
Occupancy Permit	Private certifier to issue	Proponent/ Private Certifier	4	29	Estimate	1	-	Provided under the Building Approval fee.
Sub-total			14	29		3	\$50,189	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Contributions and Levies	Car parking – if shortfall applies	City of Darwin				1	\$	City of Darwin Policy No:004. Central Business District Parking Strategy and Contribution Plan Planning. DCA can waive or reduce this contribution. 22,833 per bay shortfall. At 75 spaces shortfall is approximately 110 spaces. Assume requirement will be reduced on advice from NT Government. Advice from NT Government (Dept. Lands, Planning and Environment) is that car parking charge is rarely if ever paid. Fee is waived or reduced due to demonstrable financial constraints and utilisation with commercial uses on the site.
	Stormwater	City of Darwin				1	\$35,193	\$2.30 - \$20.11 per square metre of site area subject to Development Application. City of Darwin Policy No:040 - Developer Contribution Plans. Calculated at \$20.1/sq. m for site area of 1750.
	Portable Long Service Leave Levy	NT Build				1	\$79,238	Portable long service leave levy
Other authority approvals	Height for construction cranes	Darwin Airport / Department of Defence	Concurrent with Building Approval			1		
Commonwealth approvals / phases	N/A							Assumed no Commonwealth approvals required
Land tenure approvals / phases	Subdivision for strata titling if proposed	Darwin Development Consent Authority						Application under c.11.1.4 Planning Act. Can be concurrent with development application.
Sub-total						4	\$114,431	
Total			29	29		14	\$189,081	

8.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: DARWIN

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Department of Justice – separate application			
	Application of liquor licence			
Plans of Management	Approval for awnings over roads.	City of Darwin	-	Concurrent with Building Approval
Health and building	N/A			

8.3 GENERAL INFORMATION

LOCATION: DARWIN

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Northern Territory Planning Scheme
<i>Principal local development control plan or instrument?</i>	Northern Territory Planning Scheme
<i>Permissibility in CBD?</i>	The permissibility of a 'motel' in the CB Zone is a discretionary use, being subject to Council approval.
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>The development can be achieved within the limits set out in the planning scheme.</p> <p>Height limit of 90 metres above ground level, which would allow the development.</p> <p>Car parking rate is a minimum of 3 bays for every 100m² of net floor area plus 0.4 for every guest suite or bedroom, which would allow the development to provide the more than 75 bays.</p> <p>A cash in lieu contribution may be required if the development only provides 75 car bays — site requires a minimum car parking in the order of 185 bays (and required a cash in lieu contribution of \$4,224,105). This is likely to be waived.</p>
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	N/A
<i>Are there any <u>planning process</u> incentives or disincentives relevant to hotel accommodation (local or State?) — e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	N/A
<i>Are there any <u>planning control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	N/A
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	N/A

QUESTION	RESPONSE
<i>Consent authority</i>	Darwin Development Consent Authority
<i>Can the proposal be 'called in'?</i>	Yes
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	Yes, applicant can review a refusal or unacceptable conditions within 28 days of receiving the planning approval. Thirds party appeal rights do not apply within the CB zone.
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	The site is located within the CBD, as this is a consolidated area with consistent planning rules. Outside the core CBD, the planning rules change sustainably and do not support development of hotel.
<i>How realistic are the timeframes, and how sensitive are they?</i>	The timeframes represent a conservative estimation of the timeframes required.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	There is one planning scheme that applies to all concern authorities, and therefore a consistent approach – although the rule changes based on the location.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	N/A
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Northern Territory of Australia - Planning Act 2014 ▪ Northern Territory Planning Scheme (and subsidiary planning policies) ▪ Draft CBD Master Plan ▪ Liquor Act ▪ Food Act

9 Canberra CBD

Principal planning instruments:

Planning and Development Act 2007, National Capital Plan

Land planning and administration in the Australian Capital Territory (ACT) is based on a leasehold system.

The Planning and Development Act 2007 provides for the Territory Plan, which is the statutory planning document for the ACT Government. Planning responsibility is divided between the Australian and ACT Governments but urban management functions are almost solely the responsibility of the ACT.

The Australian Government's formal role in planning of the National Capital and safeguarding aspects of national significance is provided through the National Capital Plan. This sets out broad land use policy in the ACT.

Planning policy advice is given to the ACT Government through the ACT Department of Environment and Sustainable Development (ACT Planning and Land Authority). The Minister for the Environment and Sustainable Development reserves 'call-in' powers for development applications under certain circumstances.

Various development tracks are provided for — code track, merit track or impact track (for projects with high external impacts). Statutory timeframes for assessments apply for each track. Hotels are permissible developments with the Commercial Zones Development Code, which encompasses the CBD. The project would likely require a merit track development assessment.

9.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Pre-lodgement engagement	ACT Planning and Land Authority, ACTEW AGL, Department of Territory and Municipal Services Directorate	1	1	Estimate	3	\$0	No fees payable for any pre application discussions with EPD or entities
	Prepare development application material	Proponent	4	5	Estimate			
Sub-total			5	5		3	\$0	
Development Application	DA Lodgement	ACT Planning and Land Authority		5		1	\$107,145	
	Public Notification		3	8	Statutory requirement		\$1,067	
	Entity Referrals	ACTEW AGL, Department of Territory and Municipal Services, Emergency Services, Environment Protection Authority, ACT Health, Conservator of Flora and Fauna	3 weeks concurrently	8	Statutory requirement	6		
	Assessment	Environment and Planning Directorate	9	14	Statutory requirement	1		9 weeks from lodgement if submissions received
Sub-total			9	14		8	\$108,212	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Building Approval	Obtain Building Approval	Private Certifier	12	26	Estimate	1	\$44,255	Certificate of Completion of Building Work (Issued by Certifier)
	Certificate of Occupancy	Environment and Planning Directorate	-			1	\$88,510	Application For Certificate of Occupancy and Use (Issued by Planning Authority)
Sub-total			12	26		2	\$132,765	
Contributions and Levies	Building levy	Environment and Planning Directorate	When Building Approval is submitted to EPD	-	Statutory requirement	1	\$708,079	0.8% of cost of work. Using estimated construction costs of 88,509,880 this comes to 708,079
	Training levy	ACT Planning and Land Authority	When Building Approval is submitted to EPD	-	Statutory requirement	1	\$177,020	0.2% of cost of work
	DA Fee						\$107,145	DA Fee = \$107,145 (\$20,745.00 + 0.108% of the amount in excess of \$10 million). Based on \$90 million development value. Major notification (including one sign).
Other authority approvals	N/A							
Commonwealth approvals / phases	N/A							Assumed no Commonwealth approvals required.
Land tenure approvals / phases	N/A							Assumed no change of use, or lease variation required
Sub-total						2	\$992,244	
Total			26	26		15	\$1,233,220	

9.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: CANBERRA FRINGE CBD

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Application for Liquor Licence, including public consultation and development of Risk Assessment Management Plan	ACT Government Justice and Community Safety Directorate	\$2,092.00	NA
Plans of Management	NA	-	-	-
Health and building	NA	-	-	-

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9.3 GENERAL INFORMATION

LOCATION: CANBERRA FRINGE CBD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	The Territory Plan 2008
<i>Principal local development control plan or instrument?</i>	Commercial Zones Development Code (2014) and City Precinct Map and Code (2012)
<i>Permissibility in CBD?</i>	'Hotel' permissible within the CZ1 – Core Zone. Requires a development application and is assessed in the merit track.
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>The maximum height of buildings in the City Centre is restricted to RL617 regardless of the site location. As such, a 12 storey building would be more realistic.</p> <p>It is possible that 75 parking spaces could be provided.</p> <p>Parking for 'Hotel' use in the CZ1 zone is calculated at the rate of 1 space/3 employees plus, 0.1 spaces/guest room or unit plus, 5 spaces/100m² GFA of bars and function rooms plus, 2 spaces/100m² of retail space.</p>
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	As above
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	No
<i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	No
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	No

QUESTION	RESPONSE
<i>Consent authority</i>	Environment and Planning Directorate – Planning and Land Authority
<i>Can the proposal be ‘called in’?</i>	Yes — The Minister can ‘call-in’ a development application for various reasons. The Minister may decide to consider and determine a DA if it raises a major policy issue; may achieve targets outlined in the Territory Plan statement of strategic directions and zone objectives, or would provide a substantial public benefit.
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	Yes — The proponent can appeal a decision made by the Planning and Land Authority through the ACT Civil and Administrative Tribunal. Likewise, third parties may appeal. Some decisions are exempt from third party appeal.
<i>Any comments on the assumptions you’ve made in relation to the hypothetical hotel assessment process?</i>	Assumed the proposed site is not limited by land tenure / lease conditions that would require a change of use application and charge.
<i>How realistic are the timeframes, and how sensitive are they?</i>	Timeframes are an estimate. As with all jurisdictions, entity referrals, design iterations, community angst and other external factors could alter timeframes.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	Development in Canberra is governed by the Planning and Land Authority with the Environment and Planning Directorate and the Commonwealth Government - National Capital Authority. Generally, the NCA is responsible for development within designated areas. While the Planning and Land Authority is responsible for the remainder of the ACT.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	The Territory Plan is reviewed regularly to ensure the DA process is as efficient and effective as possible and responds to changes in government policy and industry and community expectations.
<i>List of regulatory instruments that are relied upon</i>	<p>Acts</p> <ul style="list-style-type: none"> ▪ Planning and Development Act 2007 ▪ Building Act 2004 <p>Legislative Instruments</p> <ul style="list-style-type: none"> ▪ Planning and Development Regulation 2008 ▪ Building (General) Regulation 2008 Territory Plan 2008

10 Great Barrier Reef, Whitsundays

10.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

Projects that have complex approval requirements, have significant environmental effects, are of strategic significance (e.g. require significant capital investment) or have significant infrastructure may apply for 'Coordinated Project' status under the State Development and Public Works Organisation Act 1971 (SDPWO Act).

Tourist accommodation projects within Island Localities are typically declared 'Coordinated Projects' by the Coordinator-General.

Under this process, the Coordinator will assess the application and make recommendations to the Whitsunday Regional Council, who ultimately decides application.

Projects of this nature are also typically declared to be a controlled action under the EPBC Act at a Federal level, such that the assessment of an EIS is coordinated by the State through the bilateral agreement, with approval required by the Federal Government. Whilst a bilateral approval agreement is currently in draft which will remove the need for Federal approval, this has yet to be ratified and hence the process outlined here assumes that the draft bilateral approval agreement is not in place by the time a decision is made such that separate Federal approval is required.

An initial pre-lodgement meeting with the Coordinator General can take 3–4 weeks to secure. A pre-lodgement meeting should also take place with the assessing authority (Local Government) who will decide the application, and the Great Barrier Marine Park Authority, whom will need to consent to the project being declared a 'Coordinated Project'.

The form of the application assumes that it is a Preliminary Approval.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Early site investigations, concept design and feasibility, pre-lodgement engagement	Co-ordinator General’s Office (CG), Whitsunday Regional Council, Great Barrier Marine Park Authority, Proponent	6	W1-W6	Estimate	3		
Sub-total			6			3	\$0	
Application for Declaration as a ‘Coordinated Project’	Prepare draft Initial Advice Statement for review by CG’s office.	Proponent, CG	6	W7-W12	Estimate	1	-	CGs office encourages the review of the draft Initial Advice Statement prior to formal lodgement
	Prepare and lodge Application, comprising Initial Advice Statement, Pre-feasibility assessment and other supporting material	Proponent	2	W13-W14	Estimate		\$28,097	Application fee is a standard amount prescribed in the Act.
Declaration Date	Project declared ‘Coordinated Project’	CG	2	W15-W16	Estimate	1	-	There are no statutory timeframes for declaration. Timeframes indicated are based on recent examples.
Preparation and lodgement of Referral to the Commonwealth Minister for Environment under EPBC Act	Proposed action referred to Minister for Environment to determine whether it is a <i>controlled action</i>	Commonwealth Department of Environment	2	W17-W18	Estimate	1	\$7,352	Prepare sufficient information to provide an adequate basis for a decision on the likely impacts of a proposed action (e.g. environmental reports, survey, coloured maps, photos etc.). Submit with completed <i>Referral of Proposed Action Form</i> to the Minister.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
EPBC Act Referral Assessed and Decided	Proposed action referred to Minister for Environment to determine whether it is a <i>controlled action</i>	Commonwealth Department of Environment	4	W19-W23	Statutory			<p>The Minister has 20 days to decide whether approval is required under the EPBC Act and on the process of assessment. If the Minister determines the action to be a ‘controlled action’ the process of assessment must be determined (refer to below stage — EPBC Act Assessment Process).</p> <p>The above assumes the Minister does not decide that the development is unacceptable development. If the Minister decides the development to be unacceptable development the proposal is then subject to 10 days of public comment</p> <p>Following this, the Minister has a further 20 days to consider whether the development is a controlled action or is unacceptable development</p> <p>If the action is in the Great Barrier Reef Marine Park it may require permission under the Great Barrier Reef Marine Park Act 1975 (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983.</p>

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
EPBC Act Assessment Process Decided and Commenced	Action to be assessed using the State assessment process accredited under a bilateral agreement.	CG, Proponent, Public & Commonwealth Department of Environment	Refer to phases below	Refer to phases below	Refer to phases below	1		It is assumed the action would be assessed using the state assessment process, as per similar development within the GBRMP.
Terms of reference	Draft State terms of reference and Federal Government Draft EIS Guidelines for an Environmental Impact Statement (EIS) released for comment	CG, Proponent, Public & Commonwealth Department of Environment	4	W24-W28	Estimate		-	Assumes that an EIS is required due to the scale, complexity and impact of the proposed development and is pursued under the state assessment process. The draft terms of reference are released for comment to the Proponent, Local Government and members of the public.
	Terms of reference for EIS are finalised	CG & Commonwealth Department of Environment	4	W29-W33	Estimate		\$81,080	It is assumed that the Queensland Government’s terms of reference are finalised following the release of the Federal Government’s EIS Guidelines. Application fee for preparing the terms of reference is a standard amount prescribed in the Act and payable on giving the final terms of reference to the proponent.
EIS	Prepare and lodge EIS based on the terms of reference	Proponent	12	W34-W46	Estimate		-	It is assumed that the Proponent takes three months (12 weeks) to prepare the EIS. It is also assumed that no other information or supplementary information to the EIS is required.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Public consultation on the EIS	Public and others	4	W47-W51	Estimate	1	\$54,053	CG determines submission period on a project-by-project basis. A 4 week period has been adopted based on recent relevant examples. Application fee for assessing the EIS is a standard amount prescribed in the Act and payable when the submission period for the EIS ends.
CG Assessment Report	Coordinator-General's report on EIS is finalised. A copy is given to the Minister for Environment to make a decision to approve, approve with conditions or not approve the proposed action.	CG & Commonwealth Department of Environment	12	W52-W64	Estimate			
Federal Minister for Environment Makes Decision	A comprehensive joint assessment between the federal environment department and the Great Barrier Reef Marine Park Authority (GBRMPA).	Commonwealth Department of Environment and GBRMPA	6	W65-W71	Statutory	1		Assumes a decision is made within 30 days of receiving an assessment report.
Sub-total			58			6	\$170,582	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Development application - Council's Decision Making Period	Local Government decides application under the Sustainable Planning Act 2009, having regard to CG and Federal Minister's recommendations.	Local Government	8	W72-W80	Statutory	1	\$91,560	The decision making period is 20 days but it can be automatically extended by a further 20 days. We have assumed that this extension is utilised given the scale of the development. Assessment fee for this part of the application process is subject to negotiation with Council. The full application fee is however assumed in this instance, which, for a Preliminary Approval that has the meaning under Section 242 of the SPA, is 150% of the standard fee for a Development Permit.
Development application - Council issues Decision	Local Government issues decision	Whitsunday Regional Council	1	W81	Statutory	1		
Development application - Applicant's Appeal Period	Proponent writes to Local Government waiving their representation and appeal rights.	Proponent	1	W82	Estimate			Assume a Negotiated Decision Notice is not required and that Proponent can write to Local Government waiving their representation rights and appeal rights.
Development application - Submitter's Appeal Period	Approval doesn't take effect until after the Submitter Appeal Period.	Whitsunday Regional Council and Submitters	4	W83-W87	Statutory	1		Assumes submitters are involved in application and that no appeals are lodged.
Development application - Detailed Material Change of Use	Preparation, lodgement and assessment of application for a Development Permit (detailed) pursuant to the Preliminary Approval above.	Proponent, Whitsunday Regional Council and DSDIP (SARA)	32	W88-W120	Estimate and Statutory	2	\$61,040	8 weeks to prepare plus 24 weeks to decide. Assumes 100 rooms plus 3,040 sqm of commercial uses under Code Assessment pursuant to the Preliminary Approval.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Sub-total			46			5	\$152,600	
Satisfy Conditions of Approval (Compliance Permits or Endorsement of Plans) including Operational Works Applications	Submit the plans for Operational Works Approval / Certification or Endorsement (i.e. Compliance Assessment)	Proponent, Whitsunday Regional Council	7	W121-W128	Estimate and Statutory	1		Assumed that non trunk infrastructure is currently available on the site and hence the delivery of infrastructure will be the responsibility of the developer. For the purposes of estimating a development contribution, however, the Adopted Infrastructure Charges Resolution (No. 3 of 2013) for the Whitsunday Shire Area has been applied based on \$10,000 per room for 100 rooms plus, \$200 per sqm GFA of non-residential component of uses associated with a Hotel (i.e.3,040 sqm total). The development contributions assume a vacant existing site where there are no credits available for the existing use. It is likely that credits would apply for all existing developed sites, thus reducing the total contribution payable. Additional contributions may be required for vegetation clearing.
	Drainage/Water/Sewer						\$2,175	Development contributions also assume a vacant existing site where there are no credits available for the existing use. It is likely that credits would apply for all existing developed sites, thus reducing the total contribution payable.
	Site Based Stormwater Plan						\$1,575	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Environmental Management Plan						\$1,575	
	Prescribed tidal works						\$3,450	
	Removal of marine plants						\$5,448	
	Compliance Assessment: (10% of MCU fee)						\$6,104	
Food Hygiene Permit – Food Design Application	Obtain relevant food hygiene permits under the Food Act 2006 and Food Regulation 2006	Whitsunday Regional Council	7	W129-W136	Estimate and Statutory	1	\$335	Food Design Application has a statutory 20 day assessment period. The Food licence application cannot be made earlier than 30 days before wanting to start operating.
Sub-total			14			2	\$20,662	
Building Approval	Apply for Building Approval, building approval issued, mandatory inspection, satisfactory completion of work, issue of final certificate and lodgement of documents to Council.	Private Certifier and Proponent	12	W121-W133	Estimate	1	\$22,600	Assumes 6 weeks to prepare the BA drawings and 6 weeks for the private certifier to issue a BA (includes 3 weeks for fire brigade assessment) Rough estimate of \$2.5 per square metre based on GFA including plant and car parking. Fire engineered solutions could add \$3,000 - \$4,000.
Sub-total			12			1	\$22,600	
Contributions and Levies	Pay Long Service Levy	Building And Construction Industry(Portable Long Service Leave) Authority	1	W121	Estimate	1	\$325,721	Based on 0.525% of construction cost of \$62,042,044.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Development contribution							\$1,698,399	Pay Development Contributions of \$1,698,399. It is assumed that non trunk infrastructure is currently available on the site and hence the delivery of infrastructure will be the responsibility of the developer. For the purposes of estimating a development contribution, however, the Adopted Infrastructure Charges Resolution (No. 3 of 2013) for the Whitsunday Shire Area has been applied based on \$10,000 per room for 100 rooms plus, \$200 per sqm GFA of non-residential component of uses associated with a Hotel (i.e.3,040sqm total).
Other authority approvals	N/A							

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Commonwealth approvals / phases	Nil							Projects of this nature are also typically declared to be a controlled action under the EPBC Act at a Federal level, such that the assessment of an EIS is coordinated by the State through the bilateral agreement, with approval required by the Federal Government. A bilateral approval agreement is currently in draft which will remove the need for Federal approval. This is likely to be ratified within the next 6 months and hence the process outlined here assumes that the bilateral approval agreement is in place by the time a decision is made such that no separate Federal approval is required.
Land tenure approvals / phases	Nil	Nil						Assumes that all components of the hotel/resort sits on one title covered by the whole island and that no subdivision is required. It also assumes that no Native Title issues or Aboriginal / Torres Strait Islander cultural heritage act issues are raised that require additional land tenure approvals or phases.
Sub-total			1			1	\$2,024,120	
Total			136			18	\$2,390,564	

10.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: GREAT BARRIER REEF, WHITSUNDAYS

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
Building Approval Inspections	Arrange required building approval inspections through construction phase	Private Certifier and Proponent	N/A	3 x inspections included in private certifier fee for Building Approval (BA). Three inspections may be required for a development of this nature. Additional inspections, if required would be charged at \$200 per hour.
Certificate of Classification	Arrange for final inspection and certificate of classification	Private Certifier and Proponent	N/A \$250 fee is payable to WRC to lodge final drawings.	Issue of Certificate of Classification is included in private certifier fee for BA.
Food Hygiene Permit – Food Licence Application	Obtain relevant food hygiene permits under the Food Act 2006 and Food Regulation 2006	Proponent and Whitsunday Regional Council (WRC)	\$476 food licence fee	Can be lodged up to 30 days prior to commencing operations (but no earlier)
On Maintenance Inspections WRC	Lodge 'as constructed' drawings and arrange On Maintenance Inspections with WRC for any water reticulation, sewer reticulation or streetscape works or other privately constructed assets that are to be handed over to Council etc.	Proponent and WRC	N/A	Occurs following construction being completed. A further off maintenance inspection needs to be completed after 12 months. There is no additional fee payable to WRC for this stage on top of the Operational Works / Compliance fee paid for at Compliance Permit Stage Timeframe not estimated as these are not on the critical path.
Liquor licence	Prepare liquor licence application. Requires a town planning approval. It will also be necessary to prepare a Risk Assessed Management Plan and a Community Impact Statement.	Proponent and Office of Liquor and Gaming Regulation	Application fee of \$5,859	Liquor licences may take 4-6 months to be approved from the time of lodgement.

10.3 GENERAL INFORMATION

LOCATION: GREAT BARRIER REEF, WHITSUNDAYS

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Whitsunday Shire Planning Scheme 2009
<i>Principal local development control plan or instrument?</i>	n/a
<i>Permissibility in CBD?</i>	n/a
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	Land use, GFA, height etc. triggers Impact Assessment. Car parking rates would not be applicable for an island context.
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	State Development and Public Works Organisation Act 1971 Sustainable Planning Act 2009 Great Barrier Reef Marine Park Act 1975
<i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i>	No
<i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i>	No
<i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i>	Yes, infrastructure charges are payable. A specific rate applies to short term accommodation (which is less than residential - \$10,000 total charge (Whitsunday Regional Council and Queensland Urban Utilities) for a 1 or 2 bed short term apartment as opposed to \$19,000 for permanent residential or \$18,000 for long term residential). Additional contributions may be required for environmental offsets depending on any levels of vegetation clearing.
<i>Consent authority</i>	Whitsunday Regional Council
<i>Can the proposal be 'called in'?</i>	Yes, although unlikely in this case.

QUESTION	RESPONSE
<i>Are there review or appeal rights? If so with whom and over what timeframe?</i>	Yes – through the Planning and Environment Court. Approximate timeframe of 12 months.
<i>Any comments on the assumptions you've made in relation to the hypothetical hotel assessment process?</i>	Assumed a site that is located on an island within the Whitsunday Regional Council Area. No specialist consultant fees employed by the proponent to prepare and manage the application have been identified herein. Additional construction related fees and permits may be required associated with the marina, tidal works, airstrip and construction related activities etc.
<i>How realistic are the timeframes, and how sensitive are they?</i>	The timeframes don't allow for additional, negotiated extensions to the statutory timeframes which are possible with the Applicant's agreement. Additionally, no allowance has been made for any supplementary EIS or changes to the scheme.
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	The process adopted is likely to be similar for all island contexts across the state.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	The proposed Planning and Development Act is likely to commence in 2015 (a draft Bill is not yet available for review). This may impact/change the planning and assessment process and applicable statutory timeframes. In addition, changes are proposed to the Coordinated Projects process under the State Development and Public Works Act 1971 to introduce an 'impact assessment' process for complex schemes that are smaller in nature and impact than larger Coordinated Projects such as Port Expansions and major rail infrastructure. No further information is available at present time but it is expected that the new process would attempt to streamline timeframes and inputs.
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ EPBC Act ▪ State Development and Public Works Organisation Act 1971 ▪ Sustainable Planning Act 2009 ▪ Sustainable Planning Regulations 2009 ▪ Great Barrier Reef Marine Park Act 1975 ▪ Whitsunday Shire Planning Scheme 2009 ▪ Building Act 1975 ▪ Building Code of Australia ▪ Food Act 2006 ▪ Food Regulation 2006 ▪ Liquor Act 1992

11 Great Ocean Road, Corangamite Shire

11.1 APPROVAL PROCESS AND TIMEFRAMES – UP TO BUILDING APPROVAL

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Pre-Lodgement Process	Request and attend formal pre-application meeting with Responsible Authority	Proponent, Corangamite Shire, Great Ocean Road Committee	1	1	Estimate	2		Assume that the use of the land for the purpose of a hotel is permissible under the sites current zoning.
	Prepare and Submit Town Planning Application including all supporting information	Proponent	4	5	Estimate			
Sub-total			5	5		2	\$-	
Development Application	Application lodged						\$16,130.00	Based on a development cost > \$50,000,000
	Council reviews application: planning officer may request additional information, application will be referred for comment	Corangamite Shire	4	9	Statutory	1	-	No further information requested from Council.
	Public Exhibition	Corangamite Shire / Proponent	(Two weeks concurrent with below)	11	Statutory		Advertising Fee – ‘Minimal’	Assume no exemption from third party notice and review rights.
	Referred to Statutory Authorities (concurrent with public exhibitions)	VicRoads, Country Fire Authority (CFA), Southern Rural (Water Authority), EPA	4	13	Statutory	4	-	Given the regional location assumed application will trigger referrals to the CFA and may involve preparation of a Cultural Heritage Management Plan.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	OPTIONAL Referral Authority time extension. A referral authority has 21 days from receipt of the application to tell the responsible authority in writing that it needs more information. The responsible authority may request an applicant to provide any information required by the referral authority (RFI)	As above	As optional no timeframe (Three weeks if included)					Assume no additional information required.
	Assessment - Responsible Authority provide referral comments, submissions and advice issues	Corangamite Shire	9 weeks from exhibition start	18	Statutory		-	Assume no delays in advertising. Generally some lag time between Council formally preparing advertising instructions and advertising being carried out.
	Determination by Responsible Authority	Corangamite Shire / Councillors	4	17	Estimate	1	-	Given vested public interest within the area and number of Community interest groups (including the Great Ocean Road Coastal Committee) likely any application would result in a significant public interest.
	Notice of Decision to Grant a Planning Permit	Corangamite Shire / Councillors	1	18	Estimate			Assume favourable decision by Corangamite Shire.
Sub-total			13	18		6	\$16,130.00	
VCAT Appeal	Appeal Period	Third Parties	3	21	Statutory	1		Assume third parties file an application for review against Council’s decision to grant a permit. Note that this timeframe could extend for environmentally sensitive proposals.

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
	Respond to Application for Review and Request inclusion for matter to be heard within the VCAT major cases list	Proponent	2	23	Estimate		\$3,338.40	Given development cost is > \$10 million application is eligible to be listed within the VCAT major cases list. The Major Cases List is a sub-list of the Planning and Environment List which has been established to expedite the resolution of applications involving larger development projects. Assume an application is sought to transfer application to MCL (at the expense of proponent).
	Practice day Hearing	Proponent / VCAT / Third Parties	5	28	Timeframes outlined under the VCAT major cases list	1		
	Mediation Hearing	Proponent / VCAT / Third Parties	8	36	Timeframes outlined under the VCAT major cases list			Assume no resolution achieved at the mediation.
	Final Hearing	Proponent / VCAT / Third Parties	2	38	Timeframes outlined under the VCAT major cases list		\$13,225.20	Assume a four day hearing at \$3306.30 a day.
	VCAT Decision	VCAT	6	44	Timeframes outlined under the VCAT major cases list			
Sub-total			26	44		2	\$17,079.60	

PHASE	DESCRIPTION	AGENCY	TIMEFRAME – PHASE (WEEKS)	TIMEFRAME – AGGREGATE (WEEKS)	TIMEFRAME BASIS	REG. COUNT	APPLICATION/ CONTRIBUTION FEES (“MINIMAL” <\$1000)	KEY COMMENTS / ASSUMPTIONS
Construction Certificate	Meet pre-construction Permit Conditions	Corangamite Shire, Relevant Referral Authorities	8	52	Estimate	1		
	Obtain Building Permit	Private Certifier	2	54	Estimate	1	\$50,000.00	
Sub-total			10			2	\$50,000.00	
Contributions and Levies	N/A							
Other authority approvals	N/A							
Commonwealth approvals / phases	N/A							
Land tenure approvals / phases	N/A							\$8,064.00
Total			54	54		12	\$82,693.60	

11.2 APPROVAL PROCESS – DURING CONSTRUCTION

LOCATION: GREAT OCEAN ROAD

PHASE (EXAMPLES)	DESCRIPTION	AGENCY	APPLICATION / CONTRIBUTION FEES (MINIMAL = <\$1000)	KEY COMMENTS / ASSUMPTIONS
On Premises (Liquor) Licence	Application for Liquor Licence	Corangamite Shire The Victorian Commission for Gambling and Liquor Regulation (VCGLR)	Minimal	Assume license is being sought for hotel guests as well as a general license for the proposed restaurant (i.e. members of the general public)
Plans of Management	Wildfire Management Plan	Country Fire Authority / Corangamite Shire	-	
	Vegetation Management Plan	Corangamite Shire		
	Patron management plan / noise management plans	Corangamite Shire		
	Waste Management Plan	Corangamite Shire		
	Sustainable Management Plan	Corangamite Shire		
	Sewerage / water management Plan	EPA		
Health and building	NA			

11.3 GENERAL INFORMATION

LOCATION: GREAT OCEAN ROAD

QUESTION	RESPONSE
<i>Principal local planning instrument?</i>	Corangamite Shire Planning Scheme
<i>Principal local development control plan or instrument?</i>	Relevant Zone and Overlay Controls
<i>Permissibility in Great Ocean Road?</i>	<p>Generally land within National Parks or areas within high natural amenity in close proximity to the coast, fall within a Rural Conservation Zone. Under the provision of a Rural Conservation Zone use of the land for the purpose of Hotel Accommodation is prohibited. Accordingly, it may be necessary to seek a site specific amendment or rezone the land to accommodate the intended use. We note that is not uncommon for tourist based development to introduce specific incorporated document into a Planning Scheme to facilitate future development (such strategies have been effectively utilised in areas such as the Yarra Valley).</p> <p>We note that uses such as a restaurant and spa offerings would be considered ancillary to the overall use of the land for the purpose of Hotel Accommodation and individual planning approval would not be required (a holistically approach would be employed).</p>
<i>Comments on 'fit' of hypothetical hotel including scale and car parking rate?</i>	<p>The provision of any new development within an area of 'high natural amenity' is a delicate process and needs to strike an appropriate balance between commercial objectives, whilst responding to the environmental significance of the area.</p> <p>We note that overarching State Planning Policy and bodies such as Tourism Victoria are generally supportive of tourism development (including hotel development) in the regional areas. Development, however, needs to be cognisant of:</p> <ul style="list-style-type: none"> ▪ Zoning and overlay controls ▪ Environmental impacts ▪ Established tourism based accommodation in the area and demand for new facilities ▪ Size of land ▪ The design of the building and its responsiveness to the environment <p>The above factors will form the basis for determining potential development yields, design of building as well as locations for future development.</p>
<i>Relevant State instrument affecting approval process and/or specific to hotel accommodation</i>	The Victorian Coastal Strategy 2008 is the state government's policy commitment for coastal, estuarine and marine environments in Victoria. It has been developed in accordance with the Coastal Management Act 2005. It provides a long-term vision for the planning, management and sustainable use of our coast, and the policies and actions Victorians will need to implement over the next five years to help achieve that vision.

QUESTION	RESPONSE
<p><i>Are there any planning <u>process</u> incentives or disincentives relevant to hotel accommodation (local or State?) – e.g. different consent authority, fast track DA, reduced documentation or assessment requirements?</i></p>	<p>The Minister has the power, under Section 97 of the Planning and Environment Act 1987, to call-in a planning permit application being considered by a responsible authority (as relevant) if the Minister considers the matter is of State or regional significance. For example, where the determination of the application may have a substantial effect on achievement or development of State or regional planning.</p> <p>The decision to call in an application is ultimately at the discretion of the Minister but must be based on specified criteria. Such a process would exempt the application from standard application requirements (in terms of third part notice and review as well as Council powers).</p>
<p><i>Are there any planning <u>control</u> incentives or disincentives relevant to hotel accommodation (local or State?). e.g. floor space bonuses, specific design controls</i></p>	<p>No — Specific urban design controls apply to hotel compared to other form of development. The design of buildings would need to be responsive to individual environments, the impact upon the surrounding landscape and potential for amenity impacts.</p>
<p><i>Are there developer or infrastructure contributions? Any reduction available for hotels because occupants use fewer public facilities?</i></p>	
<p><i>Consent authority</i></p>	<p>The Minister for Planning becomes the ‘consent authority’ for State significant developments which are called in. In all other situations consent authority rests with Corangamite Shire</p>
<p><i>Can the proposal be ‘called in’?</i></p>	<p>As above</p>
<p><i>Are there review or appeal rights? If so with whom and over what timeframe?</i></p>	<p>There are no review rights for Ministerial Interventions.</p> <p>The proponent may appeal the application if not determined within the statutory period.</p> <p>The proponent may appeal a Council decision (this includes any conditions contained within a permit). A proponent has 60 days from the date of Council’s decision to submit a review to VCAT.</p> <p>A third party may appeal a Council decision. This must be lodged within 21 days from the date of Council’s decision. As above, analysis has assumed a favourable Council recommendation and an appeal of this decision by third parties.</p>
<p><i>Any comments on the assumptions you’ve made in relation to the hypothetical hotel assessment process?</i></p>	<p>It is assumed that the use of the land for the purpose of a hotel is permissible under the sites current zoning. However, as noted above, land within National Parks or areas within high natural amenity in close proximity to the coast, fall within a Rural Conservation Zone. Under the provision of a Rural Conservation Zone use of the land for the purpose of hotel accommodation is prohibited. Accordingly, it is possible that a site specific amendment would be required to facilitate the development.</p>
<p><i>How realistic are the timeframes, and how sensitive are they?</i></p>	<p>Timeframes have been predominantly based on statutory requirements. However, they include estimates at certain stages. Given the size and complexity of the proposal it is likely that there will extensive negotiations with Council, relevant referral authorities and public interests groups which would jeopardise timeframes.</p>

QUESTION	RESPONSE
<i>Variability of process and requirements across State jurisdictions and other comments?</i>	Every Local Government Area within Victoria has differing requirements in relation to permissible uses, heights, floor space ratios, setbacks, incentives or otherwise for certain uses, development controls, and accommodation-specific controls.
<i>Pending changes to the planning framework which would affect the approvals framework or process in a positive or negative way?</i>	<p>The Victorian Government has released details of a reformed development contributions framework.</p> <p>The Standard Levies will be available for use from 1 July 2015 and will be able to be applied in identified metropolitan and non-metropolitan growth locations.</p> <p>The levies will generally not apply in metropolitan locations unless the site is an identified Strategic Development Area. The following fees to be applicable:</p> <ul style="list-style-type: none"> ▪ Residential: \$4,500 per dwelling. ▪ Retail: \$46 per square metre, Gross Floor Area. ▪ Commercial and Industrial: \$16 per square metre, Gross Floor Area. <p>We note there is uncertainty until the implementation package is introduced in 2015 and strategic areas to be included are identified.</p>
<i>List of regulatory instruments that are relied upon</i>	<ul style="list-style-type: none"> ▪ Planning & Environment Act 1987 ▪ Corangamite Planning Scheme ▪ The Victorian Coastal Strategy 2008 ▪ Liquor Control 1998

12 Construction industry levies

The main levies that apply to the building and construction industry are payable at the state or local government level and vary between states. These include levies to fund training requirements for workers (e.g. apprentices and older workers) within the industry.

All states and territories also have schemes that provide portable long service leave benefits to workers in the building and construction industry. Under these schemes, eligibility for long service leave benefits is based on service in the industry, rather than service with a single employer.

Two approaches are used:

- **Wages bases levy schemes** — These involve direct payments by employers of a determined percentage of an employee's ordinary pay. This approach is taken in Victoria, ACT, Tasmania, Western Australia and South Australia. Percentage payments vary from 1.75% to 2.7% of normal pay.
- **Project based levy schemes** — This involves a levy on building projects over a threshold size with payment made by the prime developer. This form of scheme is adopted in NSW, Queensland and the Northern Territory.

Key industry levies within jurisdictions are summarised below.

JURISDICTION	LEVY	LEGISLATION	RATE (%)	CONDITIONS
New South Wales	Building and construction levy inclusive of GST	<i>Building and Construction Long Service Payments Act (1986)</i>	0.35	<ul style="list-style-type: none"> ▪ Works > \$25,000 ▪ Payment of levy required prior to the issue of approval of work
Victoria	State Government Building Levy	<i>The Building Act (1993)</i>	0.00128	<ul style="list-style-type: none"> ▪ Works > \$10,000 ▪ Payment of levy required prior to issue of a construction permit
Queensland	<ul style="list-style-type: none"> ▪ Portable Long Service Leave Levy (0.25%) ▪ Work Health and Safety Levy (0.125%) ▪ Construction Skills Queensland Levy (0.1%) 	<i>Building and Construction Industry (Portable Long Service Leave) Act (1991)</i>	0.475	<ul style="list-style-type: none"> ▪ Works > \$150,000 ▪ Payment required prior to issue of a development permit for building, plumbing, drainage and operational work

JURISDICTION	LEVY	LEGISLATION	RATE (%)	CONDITIONS
South Australia	Construction Industry Training Fund Levy	<i>Construction Industry Training Fund Act (1993)</i>	0.25	<ul style="list-style-type: none"> Works > \$15,000 Payment required prior to commencement of construction works
Western Australia	The Construction Training Fund Levy	<i>Building and Construction Industry Training Fund and Levy Collection Act (1990)</i>	0.20	<ul style="list-style-type: none"> Works > \$20,000 Payment required prior to commencement of project or upon application for a building license
Tasmania	Building and Construction Industry Fund and Levy	<i>Building and Construction Industry Training Act (1990)</i>	0.20	<ul style="list-style-type: none"> Works > \$12,000 Payment required prior to commencement of construction works
Northern Territory	Construction Industry Long Service Leave and Benefits Levy	<i>Construction Industry Long Service Leave and Benefits Act (2005)</i>	0.10	<ul style="list-style-type: none"> Works > \$1 million Payment required prior to commencement of construction Can be paid in instalments if value of levy exceeds \$10,000 and construction time is greater than one year The NT Build levy was reduced from 0.3% to 0.1% in April 2014
Australian Capital Territory	Building and Construction Industry Training Levy	<i>Building and Construction Industry Training Levy Act (1999)</i>	0.20	<ul style="list-style-type: none"> Applies to all building and construction work

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This report is dated 19 December 2014 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis is under no obligation in any circumstance to update this report for events occurring after the date of this report. Urbis prepared this report on the instructions, and for the benefit only, of t Austrade (**Instructing Party**) for the purpose of comparatively assessing hotel development regulations across jurisdictions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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Urbis has recorded any data sources used for this report within this report. These data have not been independently verified unless so noted within the report.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report.

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