



Greater  
Hume  
Council

# **DEVELOPMENT CONTRIBUTIONS PLAN**

**SECTION 7.12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

# Contents

1. Administration & operation of the plan.....	1
1.1 What is the name of this development contributions plan? .....	1
1.2 Application of this development contributions plan.....	1
1.3 When does this development contributions plan commence? .....	1
1.4 The purpose of this contributions plan .....	1
1.5 When is the levy applicable? .....	1
1.6 Are there any exemptions to the levy? .....	1
1.7 Relationship with other plans and policies .....	1
1.8 Pooling of levies .....	2
1.9 Construction certificates and the obligation of accredited certifiers .....	2
1.10 Complying development certificates and the obligations of accredited certifiers .....	2
1.11 How will the levy be calculated? .....	2
1.12 How will the cost of carrying out the proposed development be calculated? .....	2
1.13 When is the levy payable? .....	3
1.14 How will the levy be adjusted? .....	3
1.15 Can deferred or periodic payments be made? .....	4
2. Expected development & demand for public facilities.....	4
3. Works program .....	4
4. References .....	4
Schedule 1 – Works Program .....	6

## 1. Administration & operation of the plan

### 1.1 What is the name of this development contributions plan?

This development contributions plan is called the *Greater Hume Council Section 7.12 Development Contributions Plan 2023* (“the development contributions plan”).

### 1.2 Application of this development contributions plan

The development contributions plan applies to all land within the local government area of Greater Hume except the land where the Infrastructure Contributions Plan – South Jindera Low Density Residential Area applies.

### 1.3 When does this development contributions plan commence?

The development contributions plan commenced on 16 August 2023.

### 1.4 The purpose of this contributions plan

The primary purpose of the development contributions plan is:

- to authorise the imposition of a condition on all development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- to assist the Greater Hume Council (“council”) in providing the appropriate public facilities that are required to maintain and enhance amenity and service delivery within the Greater Hume local government area; and
- to publicly identify the purposes for which the levies are required.

### 1.5 When is the levy applicable?

The levy is applicable to applications for development consent and applications for

complying development certificates under Part 4 of the EP&A Act, except where exempt under section 1.6 below.

The amount to be levied is:

- 0.5% of development cost where the proposed cost of carrying out the development is more than \$100,000 but less than \$200,000; or
- 1.0% of development cost where the proposed cost of carrying out the development is \$200,000 or more.

### 1.6 Are there any exemptions to the levy?

Under section 7.17 of the EP&A Act, the Minister for Planning has directed that a levy cannot be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less; or
- for the purpose of disabled access; or
- for the sole purpose of providing affordable housing; or
- for the purpose of reducing a building’s use of potable water (where supplied from water mains) or energy; or
- for the sole purpose of the adaptive reuse of an item of environmental heritage; or
- other than the subdivision of land, where a condition under section 7.11 of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In addition, Council will not impose a levy in respect of development for which Council considers by formal ratification at a full Council meeting as an exemption. For such claims to be considered, any such development will need to include a comprehensive submission arguing the case for exemption.

### 1.7 Relationship with other plans and policies

The development contributions plan repeals the *Greater Hume Shire Council*

*Development Contributions Plan* commenced on 24<sup>th</sup> July 2021.

The development contributions plan supplements the provisions of the *Greater Hume Local Environmental Plan 2012* and any amendment or local environmental plan which it may supersede.

### 1.8 Pooling of levies

The development contribution plan expressly authorises money obtained from section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for the public facilities listed in the works program (Schedule 1) in accordance with the staging set out in that Schedule.

### 1.9 Construction certificates and the obligation of accredited certifiers

In accordance with clause 20 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with section 242(2) of the *Environmental Planning & Assessment Regulation* (EPA Regulation). Failure to follow this procedure may render such a certificate invalid.

### 1.10 Complying development certificates and the obligations of accredited certifiers

In accordance with section 7.21 of the EP&A Act, a certifying authority (Council or an accredited certifier) must impose a condition requiring monetary contributions in accordance with the development contributions plan which

satisfies the following criteria:

- Pursuant to section 4.17(1) of the EP&A Act and the development contributions plan, a levy calculated in accordance with Section 1.11 below.
- The amount to be paid is to be adjusted in accordance with Section 1.14 below.

### 1.11 How will the levy be

**calculated?** The levy will be calculated as follows: **Levy payable = L x \$C**

Where:

- **L** is 0.005 where the cost of development is more than \$100,000 and less than \$200,000 or 0.01 where the cost of development is \$200,000 or more; and
- **\$C** is the cost of carrying out the proposed development (calculated in accordance with Section 1.12 below).

### 1.12 How will the cost of carrying out the proposed development be calculated?

A development application or an application for complying development certificate must submit an estimated cost of development that has been calculated in accordance with clause 208 of the EP&A Regulation.

That clause provides as follows:

#### **208 Determination of proposed cost of development—the Act, s 7.12(5)(a)**

- (1) *The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.*
- (2) *The costs of carrying out development*

*include the costs of, and costs incidental to, the following—*

- (a) *if the development involves the erection of a building or the carrying out of engineering or construction work—*

- (i) *erecting the building or carrying out the work, and*
- (ii) *demolition, excavation and site preparation, decontamination or remediation,*

- (b) *if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,*

- (c) *if the development involves the subdivision of land—preparing, executing and registering—*

- (i) *the plan of subdivision, and*
- (ii) *the related covenants, easements or other rights.*

(3) *In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.*

(4) *The following costs and expenses must not be included in an estimate or determination of the proposed cost –*

- (a) *the cost of the land on which the development will be carried out,*
- (b) *the costs of repairs to a building or works on the land that will be kept in connection with the development,*
- (c) *the costs associated with marketing or financing the development, including interest on loans,*
- (d) *the costs associated with legal work carried out, or to be carried out, in connection with the development,*
- (e) *project management costs associated with the development,*
- (f) *the cost of building insurance for the development,*
- (g) *the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,*
- (h) *the costs of commercial stock inventory,*

- (i) *the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,*
- (j) *the costs of enabling access by people with disability to the development,*
- (k) *the costs of energy and water efficiency measures associated with the development,*
- (l) *the costs of development that is provided as affordable housing,*
- (m) *the costs of development that is the adaptive reuse of a heritage item.*

(5) *The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.*

**Example—**

*A contributions plan may adopt the Consumer Price Index.*

- 6) *To avoid doubt, this section does not affect the determination of the fee payable for a development application*

Without limitation to the above, council may review the estimated cost of development and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

### **1.13 When is the levy payable?**

A levy must be paid to council at the time specified in the condition on the development consent that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

### **1.14 How will the levy be adjusted?**

Contributions required as a condition of consent under the provisions of the development contributions plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

#### **Contribution at time of payment**

$$= \$C_o + \$A$$

Where:

**\$C<sub>o</sub>** is the original contribution as set out in the consent condition; and

**\$A** is the adjustment amount which is:

$$\frac{\$C_o \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where:

the **Current Index** is the most recent quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) at the time the levy is paid; and

the **Base Index** is the quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) for the period immediately prior to the date of the development consent.

*Note: In the event that the Current Index is less than the Base Index, the contribution payable shall be that stated in the consent condition.*

### 1.15 Can deferred or periodic payments be made?

Council does not allow deferred or periodic payment of levies authorised by the development contributions plan.

## 2. Expected development & demand for public facilities

The relationship between expected development and the demand for public facilities is established through:

- population growth in parts of the Shire;
- the future population will require the provision of additional public facilities; and
- the future population will diminish the existing population's enjoyment and standards of public facilities unless additional facilities are provided.

Council is committed to providing the equitable distribution of public facilities for the benefit and well-being of all residents. Council's works program (Schedule 1) identifies the public amenities or services to be provided, recouped, extended or

augmented by contribution monies derived by this plan.

This development contributions plan applies to all land within the local government area of Greater Hume. The contributions levied will be applied towards meeting the cost of provision or

augmentation of public facilities that have been or will be provided across the entire local government area in accordance with the works program (Schedule 1).

Department of Planning (DoP) Circular (Ref: PS 05-003) states there does not have to be a connection between the subject of the development consent levy and the object any monies derived are spent on. Consequently monies derived by this plan may be used to embellish public facilities in a location remote from that which the levy was derived (e.g. in another town).

Council may also levy contributions towards the provision of water and sewerage infrastructure. These contributions are levied under Section 64 of the *Local Government Act 1993* and therefore are not part of this Development contributions plan. Reference should be made to the separate contributions plan for levies towards water and sewer infrastructure.

## 3. Works program

The works program (Schedule 1) identifies the public facilities for which section 7.12 levies under the EP&A Act will be required.

Levies paid to council under a condition authorised by the development contributions plan will be applied towards meeting the cost of provision or augmentation of public facilities that have been or will be provided. Schedule 1 provides a summary of public facilities, which have been or will be provided by council over the next five years. Schedule 1 also includes:

- (i) the estimated cost of the facilities and the proportion to be amount funded under the plan.
- (ii) the timing for the delivery of the facilities.

- (iii) whether the facilities has been completed.
- (iv) A map showing the location proposed facilities

## 4. References

The following reference documents have been utilised in the preparation of this Section 7.12 Plan.

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021*
- Department of Planning Industry and Environment– Section 7.12 fixed development consent leview.
- *Greater Hume Local Environmental Plan 2012*

## Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*

**Council** means Greater Hume Shire Council

**Development contributions plan** means *Greater Hume Council Section 7.12 Development Contributions Plan 2021*

**levy** means a levy under s7.12 of the EP&A Act authorised by the development contributions plan

**public facility** means a public amenity or public service

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2000*



## Schedule 1 – Works Program

Public facilities to be funded/ embellished through section 7.12 contributions are listed in the following Schedule.

Project description	Total Estimated Cost Subject to Indexation	Amount to be contributed by S7.12 payments	Estimated time frame	Project Completed	Project Number Shown in mapping
Jindera - Dog Park and Bike Path	\$150,000	\$150,000	1-2 years		1
Jindera - Netball Building	\$1,100,000	\$150,000	1-2 years		2
Culcairn - Asphalt Seal Culcairn Walking Track	\$100,000	\$100 000	1-2 years		3
Morven - Community Park	\$300,000	\$200,000	1-2 years		4
Culcairn - Dog Park	\$100,000	\$100,000	2-3 years		5
Walla Walla - Hall Childcare Centre Carpark Shade	\$100,000	\$100,000	2-3 years		6
Holbrook- Jingellic Road Walking Track	\$500,000	\$500,000	2-3 years		7
Henty - Dog Park	\$100,000	\$100,000	2-3 years		8
Henty - Public Toilet and RV Stop	\$300,000	\$300, 000	3-5 years		9
Culcairn - Public Toilet and RV Stop	\$300,000	\$300,000	3-5 years		10



Map showing the location of Proposed Works through Designation of Project Number

