

# Indirect (Section 7.12) Development Contribution Plan 2011

Amendment 6

This page has been left blank intentionally

## **Contents**

### **PART A – Expected development and demand for public facilities**

### **PART B – Administration and operation**

- 1 What is the name of this plan?
- 2 When does the plan commence?
- 3 What is the purpose of the Plan?
- 4 What does Section 7.12 of the Act provide?
- 5 Land to which the Plan applies
- 6 Relationship with other plans
- 7 Development to which this Plan applies
  - 7.1 Indirect (Section 7.12) Development Contribution Levy
- 8 Authorised Conditions
  - 8.1 Standard conditions of consent
- 9 How is the proposed cost of carrying out development determined?
- 10 How is the proposed cost of carrying out development indexed?
- 11 Cost estimate reports must accompany a development application
- 12 Who may provide a report for the purposes of clause 11 of this Plan?
- 13 How will the Council apply money obtained from the levy?
- 14 Are there priorities for the expenditure of money obtained from levies authorised by this Plan?
- 15 Pooling of levies
- 16 Obligation of Certifying Authorities
- 17 When is the levy payable?
- 18 What is the Council's policy on the deferred or periodic payment of levies?
- 19 Refunds
- 20 Definitions
- 21 References

### **PART C – Schedules**

- |                   |  |
|-------------------|--|
| <b>Schedule 1</b> | Ministerial Directions                       |
| <b>Schedule 2</b> | Cost Reports                                 |
| <b>Schedule 3</b> | Schedule of Works                            |
| <b>Schedule 4</b> | Section 7.12 Allocations to Date             |
| <b>Schedule 5</b> | Date of Indirect Contributions Levy Indexing |

## **PART A – Expected Development and demand for public facilities**

On 5 December 2005, the NSW State Government released its planning blueprint for Sydney as part of its Metropolitan Strategy. Three of the five potential major centres identified in that strategy, Cabramatta, Fairfield and Prairiewood are located in Fairfield City.

The M7 Motorway and the Liverpool to Parramatta Transit-way significantly increases the accessibility to this part of the City.

The Western Sydney Employment Hub, at the intersection of the M7 and the M4 Motorways, referred to in the Metropolitan Strategy is on the north-western corner of the City and is a logical extension of the existing employment lands at Wetherill Park. The State Environmental Planning Policy (Western Sydney Employment Area) 2009 “Promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities”.

Local infrastructure must be enhanced to better integrate with the new State infrastructure and to accommodate for the potential growth of identified centres.

In past contributions plans for the City, the demand for additional infrastructure was illustrated by population growth projections extrapolated from past census data. The Metro Strategy now sets out growth targets for the Local Government Area. The State is planning for a population growth of 1.1 million people in the Greater Sydney Metropolitan Area by 2031 and has identified where that population will be housed. Fairfield has been given a target of 24,000 new homes to be delivered in the Local Government Area. Accounting for a reduction in average dwelling occupancy rates, these additional dwellings will house an increased residential population of 30,000 people in the LGA.

The State Government strategies outlined above and provision of major infrastructure will undoubtedly result in greater population and business growth resulting in an increased impact on local community infrastructure. Accordingly, as properties are developed an appropriate contribution to infrastructure provision will be required pursuant to this plan.

Development Contributions will enable Council to provide high quality and diverse public facilities and services to meet the expectations of the existing and new residents and workers of Fairfield City.

Development throughout the city over is expected in the form of:

- higher density housing around the four town centres of Bonnyrigg, Cabramatta, Fairfield and Prairiewood, as well as local centres along the Canley Corridor;
- continued redevelopment of detached housing in existing narrow lot areas into row housing;
- strategic rezoning of sites along transit corridors that will increase residential densities;
- construction of larger dwellings and group housing that will accommodate changing family structures including aged relatives
- redevelopment and renewal of existing retail, commercial and industrial uses.

Development generated throughout the City will therefore require ongoing improvements to community infrastructure including, but not limited to:

- Community facilities;
- Recreation and Open space embellishment;
- Public domain improvements and place making embellishments achieved through cultural arts works and installations;
- Road-works;
- Land acquisition for open space

Funds collected through Indirect Contributions Levies will fund one or more of the projects listed in Part C: Schedule 3 – Schedule of Works. This Plan operates in conjunction with Council's Direct Contributions Plan 2011 as part of Council's development contributions framework for the purposes of funding community infrastructure.

## PART B – Administration and operation

### 1 What is the name of this plan?

This plan is called the Fairfield City Council Indirect (Section 7.12) Development Contributions Plan 2011

### 2 When does this plan commence?

The Fairfield City Council Indirect (Section 7.12) Development Contributions Plan 2011 was adopted by Council on the 22 November 2011. The plan commences on 4 January 2012.

The following dates are relevant to the making of this plan:

Action	Date
Report to Council recommending exhibition	23 August 2011
Exhibition period	14 September 2011 – 12 October 2011
Report recommending adoption	22 November 2011
<b>ADOPTION OF PLAN</b>	22 November 2011
Revocation of 'Section 94A Levy Development Contributions Plan 2007'	4 January 2012
Commencement of the 2011 Plan	4 January 2012

Amendment 1	23 October 2013
<b>Amendment No. 1</b> to the Indirect (Section 7.12) Development Contributions Plan involved clarifying when Indirect Contributions would apply to Crown Development, introducing standard conditions of consent for use by Private Certifiers and other minor housekeeping amendments.	

Amendment 2	11 December 2013
<b>Amendment No.2</b> to the Indirect (Section 7.12) Development Contributions Plan involved replacing the specific category 'Fairfield Library Extension' with the new category 'Community Facilities' to broaden the types of community infrastructure Section 7.12 funds can be spent.	

Amendment 3	16 December 2015
<b>Amendment No.3</b> to the Indirect (Section 7.12) Development Contribution Plan involved the Introduction of a Deferred and Periodic Payments Section. Introduction of a Refunds Section to the Indirect (Section 7.12) Development Contributions Plan. Introduction of a new Section 7.1 Indirect (Section 7.12) Development Contribution Levy, which will clearly outline the relevant contribution rate depending on cost of works. This amendment provides greater clarification of what the contribution rates would be for a development.	

Amendment 4	9 November 2016
<b>Amendment No.4</b> to the Indirect (Section 7.12) Development Contribution Plan involved clarifying that the Section 7.12 Plan does not apply to complying development certificates for development on existing 'narrow lots'.	

Amendment 5	28 August 2020
<b>Amendment No.5</b> to the Indirect (Section 7.12) Development Contribution Plan involves amending the relevant references within the Plan from Section 94A to Section 7.12.	

<b>Amendment 6</b>	November 2022
<b>Amendment No.6</b> to the Indirect (Section 7.12) Development Contribution Plan involves amending range of minor housekeeping amendments to ensure the plan is consistent with the Direct (Section 7.11) Development Contributions Plan 2011, local policies and legislation updates.	

### 3 What is the purpose of this plan?

The purposes of this plan are to:

- a. authorise the Council to impose as a condition of development or as a condition on complying development certificates, a requirement that the applicant pay to the Council a levy determined in accordance with this plan;
- b. assist the Council to provide the appropriate public facilities, infrastructure and services, which are required to maintain and enhance the amenity of those who live, work and recreate in Fairfield City;
- c. publicly identify the specific activities for which the levies are required; and
- d. govern the application of money to those activities.

### 4 What does Section 7.12 of the Act provide?

Section 7.12 of the Act provides as follows:

#### 7.12 Fixed development consent levies

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

(2) A consent authority cannot impose as a condition of the same development consent a condition under this Section as well as a condition under Section 7.12.

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

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

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

- (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
- (b) the maximum percentage of a levy.

## 5 Land to which this plan applies

This plan applies to all land within the Fairfield Local Government Area.

## 6 Relationship with other plans

This Plan repeals the previous Section 7.12 Levy Contributions Plan 2007 applying in the Fairfield Local Government Area

## 7 Development to which this plan applies

1. This plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies, **except** development identified in relevant Ministerial Directions where Indirect Contributions cannot be imposed, or any development proposal relating to the land to which the Direct (Section 7.12) Contributions Plan 2011 applies that results in an increase in:
  - (a) the number of residential dwellings or occupancies (such as, but not limited to dual occupancies, narrow lot development, multi-unit dwellings, residential apartments);
  - (b) the number of residential development lots; or
  - (c) the area of commercial or retail floor space where a developer cannot provide the required car spaces on site; or
  - (d) any combination of the above.
2. This plan does not apply to applications submitted by or on behalf of Fairfield City Council for the provision of public facilities or infrastructure.
3. This Plan applies to development applications and complying development certificates by or on behalf of the Crown. For the purpose of applying Indirect (Section 7.12) Development Contributions to Crown Development the following principles apply:
  - (a) Section 7.12 Development Contributions apply to Crown developments that propose an expansion/increase the current facility size and floor space and/or provide additional capacity to accommodate additional persons. (An example of this would be development at a school which would result in an increase in the number of people/student or expansion of the local police station to accommodate additional people/officers).
  - (b) Section 7.12 Development Contributions do not apply to Crown developments that propose a redevelopment of facilities that purely involves internal fit out, refurbishment or upgrading facilities with no increase in capacity or additional persons. (An example of this would be upgrading / internal fit out of a trade quality kitchen/workshop at a high school. This does not increase the capacity, purely the quality of facility).

### 7.1 Indirect (Section 7.12) Development Contribution Levy

The table below outlines the relevant rate of contribution dependent on cost of development.

Proposed cost of development	Maximum Percentage of the levy
Up to \$100,000	NIL
\$100,001 to \$200,000	0.5%
More than \$200,000	1.0%

## 8 Authorised conditions

This plan:

- (a) authorises the Council to grant consent to development; and
- (b) requires the Council or an accredited certifier to issue a complying development certificate,

subject to a condition requiring the applicant to pay to Council a levy of the proposed cost of carrying out the development in accordance with the Ministerial Direction under section 7.17.

The Ministerial direction pursuant to Section 7.17 of the Act authorises the Council or Certifying Authority to grant consent to development subject to a condition which is in accordance with that direction.

The current Ministerial Direction or Directions under Section 7.17 of the Act, which have been made and are in force, are included in Schedule 1 of this Plan.

### 8.1 Standard conditions of consent wording

To ensure that Accredited Certifiers use consistent wording when applying a Section 7.11 or Section 7.12 Development Contribution to a Complying Development Certificate, standard conditions of consent wording has been included below:

#### **Section 7.12 Contributions**

*Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 7.12 Levy Contributions shall be submitted to the Certifying Authority.*

*The Section 7.12 Levy as determined at the date of this consent is \$(\*).*

*The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).*

## 9 How is the proposed cost of carrying out development determined?

Clause 25J of the Regulation sets out how the proposed cost of carrying out development is to be determined. The clause provides as follows:

### **25J Section 7.12 levy—determination of proposed cost of development**

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a Section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - a. if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,

- b. if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - c. if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
- a. the cost of the land on which the development is to be carried out,
  - b. the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - c. the costs associated with marketing or financing the development (including interest on any loans),
  - d. the costs associated with legal work carried out or to be carried out in connection with the development,
  - e. project management costs associated with the development,
  - f. the cost of building insurance in respect of the development,
  - g. the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - h. the costs of commercial stock inventory,
  - i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.
  - j. *the costs of enabling access by disabled persons in respect of the development,*
  - k. *the costs of energy and water efficiency measures associated with the development,*
  - l. *the cost of any development that is provided as affordable housing,*
  - m. *the costs of any development that is the adaptive reuse of a heritage item.*
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

## 10 How is the proposed cost of carrying out development indexed?

Under clause 25J(4) of the Regulation, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the Producer Price Index (PPI) for New South Wales between the date the proposed cost was determined by the Council and the date the levy is paid.

The proposed construction cost will be adjusted on a quarterly basis in accordance with the 'Producer Price Index for outputs of the General Construction Industry'. This is a readily accessible index that measures changes in the cost of building. Groups and classes measured by the index include residential building construction, non-residential building construction and non-building construction being road and bridge construction. It is considered that this is the best measure for the movement of costs relating to construction.

The details of the relevant index are as follows:

- Source: Australian Bureau of Statistics
- 6427.0 Producer Price Index, Australia
- Construction Industry Producer Price Indexes
- Table 15 presents the Price Index of the Output of the General Construction Industry
- Index number 30 Building Construction – New South Wales
- Index calculated on the reference base 1998-99=100.0

The proposed construction cost will be indexed as follows:

$$\frac{\text{PCC} \times \text{PPI}^{\text{C}}}{\text{PPI}^{\text{B}}}$$

Where:

**PCC** is the proposed construction cost used for the purpose of determining the Indirect Contribution Rate shown on the development consent.

**PPI<sup>C</sup>** is the current Producer Price Index for Sydney as published by the Australian Statistician at the time of the review of the contribution rate

**PPI<sup>B</sup>** is the base Producer Price Index for Sydney as published by the Australian Statistician at date of adoption of this Plan.

The table below is an illustrative example for how the index will be used to adjust the contribution rate applicable. Note that the development consent will include a quote for the contribution to be paid based on the rate at the date of the consent.

As time passes, the contribution rate will be adjusted in accordance with the relevant Producer Price Index. When the developer or applicant proposes to pay the contribution, the amount will be recalculated based on the current contribution rate.

<b>Date</b>	<b>Producer Price Index</b>	<b>Proposed Construction Cost</b>	<b>Indirect Contribution applicable</b>	<b>Event</b>
Mar-2010	150.2	\$250,000	\$2,500	Determination of consent
Jun-2010	150.4	\$250,333	\$2,503	
Sep-2010	150.8	\$250,999	\$2,510	
Dec-2010	152.6	\$253,995	\$2,540	
Mar-2011	153.2	\$254,993	\$2,550	Payment of Indirect Contribution

Refer to Schedule 5 for Indirect Contributions Levy Indexing Schedule.

## **11 Cost estimate reports must accompany a development application**

- (a) A development application shall be accompanied by a report, prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development.
- (b) The report shall be in the form of a cost report in accordance with Schedule 2.
- (c) The Council may, at the applicant's cost, engage a person referred to in Clause 12 to review a cost report submitted by an applicant.

## **12 Who may provide a report for the purposes of clause 11 of this plan**

The following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development:

- (a) where the applicant's initial estimate of the proposed cost of carrying out the development is less than \$1,000,000– any building industry professional;
- (b) where the applicant's initial estimate of the proposed cost of carrying out the development is \$1,000,000 or more – a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

## **13 How will the Council apply money obtained from the levy?**

Money paid to Council under a condition authorised by this Plan is to be applied by Council towards one or more of the public facilities listed in Schedule 3. Council will consider a report on the allocation of funds at the beginning of each calendar year as part of allocating funds collected over the course of the previous calendar year. This is to ensure that the allocation of Section 7.12 funds towards projects listed in Schedule 3 are integrated with Council's Management Plan and Budget Processes.

The works identified in Schedule 3 of this plan shall be periodically reviewed as part of the above annual allocation report or alternatively informed by various studies or needs analyses that may be carried out from time to time.

## **14 Are there priorities for the expenditure of money obtained from levies authorised by this plan?**

Subject to Section 7.17 of the Act and clause 15 of this plan, the public facilities listed in Schedule 3 are to be provided upon availability of funds and the priorities shall be established through Council's Management Plan process.

## **15 Pooling of levies**

For the purposes of 7.17 of the Act, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities and services listed in Schedule 3

## **16 Obligation of Certifying Authorities**

Under Clause 146 of the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with any condition requiring the payment of a levy before work is carried out in accordance with the consent.

The certifying authority must provide Council the applicant's receipt for payment of the levy at the same time as the other documents required to be provided under clause 142(2) of the EP&A Regulation.

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

A levy is required to be paid by a condition authorised by this plan must be paid to the Council at the time specified in the condition.

If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4 of the Act.

## **18 What is the Council's policy on the deferred or periodic payment of levies?**

Deferred payment of development contributions will only be considered in certain circumstances in accordance with the criteria below:

- Deferred payment will only be considered for development applications. Deferred payment of contributions will not be permitted for complying development.
- An application for deferred payment is to be made in writing to Council.
- The request must specify the reasons for need to deferred contributions by bank guarantee.
- An applicant must have the intention and ability to pay the development contribution to satisfy the condition imposed on the development consent.

All requests will be assessed based on their merit and the decision will be solely at the discretion of Council.

If Council does decide to accept the deferred or periodic payment Council will require the applicant to provide a bank guarantee with the following conditions:

- The bank guarantee must be in Australian dollars from a major Australian trading bank and in the name of Fairfield City Council;
- Council will not accept a copy of the bank guarantee, the original must be provided to Council;
- The bank guarantee must have no end date, be unconditional, irrevocable and be in favour of Fairfield City Council;
- The payment may be deferred for a period not exceeding 12 months from the date that such payment is due under the relevant condition, with no extension of time to be granted.
- The total amount of the contribution or outstanding contribution balance that is proposed to be deferred is no less than \$100,000.00
- The bank guarantee must be for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to 10 percent of the total value of the contribution to be deferred.
- Council's administration fees will apply to cover the cost of the processing of the bank guarantee. The administration fees levied for the deferral are reviewed annually and can be found in Council's Fees and Charges.
- The bank or financial institution's obligations are discharged when payment of the outstanding development contribution to the Council is made in accordance with the guarantee or when Council notifies the bank or financial institution in writing that the guarantee is no longer required;
- The outstanding development contribution will be indexed prior to payment, in accordance with Council's Plan, and
- Where the bank guarantee contains an end date, the developer agrees that the Council is free to call on the guarantee in respect of the outstanding balance of the development contribution as indexed if the development

contribution has not been paid 14 days prior to the end date.

Notes:

- Prior to submitting a bank guarantee for deferral of payment of Development Contributions, please contact Council's Strategic Land Use Planning team on 9725 0222 to discuss the process and fees.
- If the amount of the total Development Contribution including indexation is not paid within the deferral period, Council may immediately demand that the bank must pay the full amount guaranteed by the Bank Guarantee to the Council without reference to the developer, landowner or other person who lodged the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development to which the Bank Guarantee relates.
- A certifying authority must not issue:
  - A Construction Certificate for building work, or
  - Subdivision work under a development consent, or
  - An Occupation Certificate,

Unless the certifying authority has verified that the obligations of the deferred development contributions payment has been satisfied through a letter from Council and viewed a Council receipt for the full amount owing having been fully paid.

## 19 Refunds

Council is not obliged to refund community infrastructure contributions even if there is an excess of funds after the fulfilment of the specific purpose for which the contributions were made (i.e. contribution project) or if the development is not completed. Any request for a refund will be considered by Council on a case by case basis.

Unless exceptional circumstances can be demonstrated it will be the case that contributions will be not be refunded once paid. In all cases where contributions paid have spent on works identified in this Plan, no refunds will be made.

## 20 Definitions

In this plan unless the context or subject matter otherwise indicates or requires:

**ABS** means the Australian Bureau of Statistics

**Act** means the Environmental Planning and Assessment Act 1979

**Council** means Fairfield City Council

**Development contributions** means a development contribution required to be paid by a condition of development consent imposed pursuant to Section 7.11 or Section 7.12 of the Act

**Levy** means a levy under Section 7.12 of the Act authorised by this plan

**Part 4 of the Act** means that part of the Environmental Planning and Assessment Act 1979 that deals with Development Assessment, including those developments that need development consent

**Public facility** means a public amenity or public service, including infrastructure, assets, community buildings, services and the like

**Regulation** means the Environmental Planning and Assessment Regulation 2000

**Section 7.11 or Section 7.12 plan** means a contributions plan made pursuant to Section 7.12 of the Act.

## **21 References**

- (a) Development Contributions – Practice Notes  
Department of Infrastructure Planning and Natural Resources July 2005.
- (b) Fairfield City Council, Section 7.12 Levy Development Contributions Plan 2006
- (c) City of Wagga Wagga S7.12 Levy Contributions Plan 2006  
Prepared by Lindsay Taylor Lawyers
- (d) City of Canada Bay Council S7.12 Levy Contributions Plan 2005  
Prepared by Lindsay Taylor Lawyers

## Schedule 1 – Ministerial Directions (Clause 8)

Access the Department of Planning and Environment website for current Ministerial Directions issued under Section 7.17 (EP&A Act 1979). Contact Council should you have any issues.

**Note:** The Ministerial Direction in force at the time of adoption of this plan is shown below. You should check the Department of Planning and Environment website to ensure the Ministerial Direction is current.

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### DIRECTION UNDER SECTION 94E

I, the Minister for Planning, under section 94E of the *Environmental Planning and Assessment Act 1979* (“the Act”), direct consent authorities that:

- (1) The maximum percentage of the levy for development under section 94A of the Act, having a proposed cost within the range specified in the Table to Schedule A, is to be calculated in accordance with that Table.
- (2) Despite subclause (1), a levy under section 94A of the Act cannot be imposed on development:
  - a) for the purpose of disabled access,
  - b) for the sole purpose of affordable housing,
  - c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
  - d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
  - e) other than the subdivision of land, where a condition under section 94 of the 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 this direction words and expressions used have the same meaning as they have in the Act. The term “item” and “environmental heritage” have the same meaning as in the *Heritage Act 1977*.

This direction does not apply to development applications and applications for complying development certificates finally determined before 1 December 2006.



FRANK SARTOR, M.P.,  
Minister for Planning,  
Sydney.  
[Dated: 10 November 2006]

#### SCHEDULE A

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

## Schedule 2 – Cost Reports (Clause 11)

### COST ESTIMATE REPORT

<b>DA NO. : (Office use only)</b>	
-----------------------------------	--

<b>DATE:</b>	
--------------	--

<b>APPLICANT'S NAME:</b>	
--------------------------	--

<b>APPLICANT'S ADDRESS:</b>	

<b>DEVELOPMENT ADDRESS:</b>	

#### ANALYSIS OF DEVELOPMENT COSTS:

<b>Development Cost provided with DA</b>	<b>\$</b>
--	-----------

<b>ADD</b>	<b>costs included in clause 25J(1) ...see over</b>	<b>\$</b>
------------	--	-----------

<b>LESS</b>	<b>costs included in clause 25J(3) ...see over</b>	<b>\$</b>
-------------	--	-----------

<b>TOTAL</b>	<b>cost for calculating S7.12 levy</b>	<b>\$</b>
--------------	--	-----------

**Show the breakdown of costs that are added or subtracted against the relevant item on the reverse of this sheet.**

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- Included GST in the calculation of development cost.
- If the total development cost is over \$1,000,000, prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.

**Signed:**

**Name:**

**Position & Qualifications:**

**HOW DO I CALCULATE MY COST OF DEVELOPMENT SO COUNCIL CAN DETERMINE THE LEVY TO BE PAID?**

**25J Section 7.12 levy—determination of proposed cost of development**

- (1) The proposed cost of carrying out development is to be determined ... by adding up all the costs and expenses that ... are to be incurred by the applicant in carrying out the development, **INCLUDING THE FOLLOWING**:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
  - (d) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (2) ...
- (3) **THE FOLLOWING COSTS ... ARE NOT TO BE INCLUDED** in any estimate or determination of the proposed cost of carrying out development:
  - (a) the cost of the land on which the development is to be carried out,
  - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - (c) the costs associated with marketing or financing the development (including interest on any loans),
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
  - (e) project management costs associated with the development,
  - (f) the cost of building insurance in respect of the development,
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - (h) the costs of commercial stock inventory,
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.
  - (j) *the costs of enabling access by disabled persons in respect of the development,*
  - (k) *the costs of energy and water efficiency measures associated with the development,*
  - (l) *the cost of any development that is provided as affordable housing,*
  - (m) *the costs of any development that is the adaptive reuse of a heritage*
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

COST OF EACH ELEMENT
(a)
(b)
(c)
(d)
(a)
(b)
(c)
(d)
(e)
(f)
(g)
(h)
(i)
(j)
(k)
(l)
(m)

## **Schedule 3 – Schedule of Works (Clauses 13 and 14)**

It is noted that a full list of specific projects within each of the infrastructure categories listed in Schedule 3.1 and the proportion of Section 7.12 funds allocated to each project will be determined at the beginning of each calendar year (refer to Clause 13) based on Council's priorities at that time and alternative opportunities available for these projects.

Council has the discretion to carryover any unfunded work items to the following financial year by Council resolution.

### **Schedule 3.1 – Indirect Contributions (Section 7.12) Plan Works Schedule**

Monies received from indirect contributions levies will be allocated to the following infrastructure categories:

#### **1. Traffic Management Projects (including LATMs, PAMP & Black Spot Program)**

Traffic Management Projects include works in the following areas to improve road safety for both pedestrians and motorists throughout the City:

- i) Local Area Traffic Management (LATM)
- ii) Pedestrian Access and Mobility Plan (PAMP)
- iii) Black Spot Program

#### **2. Major/Local/Neighbourhood Centre Improvement Project (CIP)**

The CIP coordinates public domain improvements for business centres across the City and includes a range of public domain works including, street furniture, landscaping, pedestrian amenity treatments and public art.

#### **3. Access Upgrades to Council Facilities (ACCESS)**

As part of Council's obligations to provide accessible facilities, infrastructure and services for all, ACCESS projects includes upgrades to Council facilities consisting of modification to entrances and internal facilities, parking, installation of hand rails and accessible toilets, access ramps and increased luminance.

#### **4. Open Space Acquisition and Embellishment across the City**

This project will allow Council to adequately fund/contribute to the acquisition and embellishment of existing/future open space sites across the city

#### **5. Community Facilities**

This project will allow Council to adequately fund/contribute to the redevelopment / development of community facilities throughout the City. Community facilities can include libraries, community centres, leisure centres, etc. An example is the existing Library at Fairfield, which is currently operating over capacity given the large size of the community it services. The extension to Fairfield Library is expected to significantly improve the service it currently provides and ensures it will continue to meet the community's needs.

### Schedule 4 – Section 7.12 allocations to date

1. At the April 2009 Council Meeting, Council resolved to make the following allocation of Section 7.12 monies collected until 30 June 2008, towards the following projects:

Fairfield Park – bench/picnic shelters	\$40,000
Kinta Park – Playground	\$40,000
Springfield Park – Amenities Building Awning	\$30,000
De-Freitas Wetland	\$50,000
Warragamba Bush Park – Playground	\$40,000

2. At the February 2010 Council Meeting, Council resolved to make the following allocation of Section 7.12 monies collected until 31 December 2009, towards the following projects:

Fairfield Library and Community Centre Complex – Concept Design	\$220,000
Centres Improvement Program	\$180,000

3. At the March 2011 Council Meeting, Council resolved to make the following allocation of Section 7.12 monies collected until 31 December 2010:

Centres Improvement Program - General	\$180,000
Centres Improvement Program – Canley Heights	\$700,000
Access Vote	\$82,480
Springfield Park Amenities Building Awning (additional funds voted from S7.12 to supplement \$30,000 allocated previously to complete project)	\$20,000

4. At the April 2012 Council Meeting, Council resolved to make the following allocation of Section 7.12 monies collected until 31 December 2011:

Centres Improvement Program – Fairfield Heights	\$398,600
Fairfield Library and community centre project	\$285,500
Centres Improvement Program – General	\$180,000
Access Vote	\$84,870

5. At the April 2013 Council Meeting, Council resolved to make the following allocation of Section 7.12 monies collected until 31 December 2012. These allocations were in accordance with allocations identified in Council's Delivery Program 2013-2017:

Centres Improvement Program - General	\$180,000
---------------------------------------	-----------

Project Name	2013-2014	2014-2015	2015-2016	2016-2017
Access Vote	\$87,332	\$89,603	\$91,843	\$94,322

## Schedule 5 – Date of Indirect Contributions Levy Indexing

### Date of Contribution Levy Indexing Base Index (as at time of adoption of the Contributions Plan)

Index: 100.00

Effective Date: 4 January 2012

<p><b>Indexation No. 1</b> For period: January 2012 to June 2013 Index: 102.3 Rate of Increase: 2.3 Effective Date: 23 October 2013</p> <p><b>Indexation No.2</b> For period: June 2013 to June 2014 Index: 105.5 Rate of Increase: 3.2 Effective Date: 17 September 2014</p> <p><b>Indexation No.3</b> For period: June 2014 to September 2014 Index: 107.0 Rate of Increase: 1.5 Effective Date: 10 December 2014</p> <p><b>Indexation No.4</b> For period: December 2014 to June 2015 Index: 108.8 Rate of Increase: 1.8 Effective Date: 5 June 2015</p> <p><b>Indexation No. 5</b> For period: June 2015 to December 2015 Index: 112.1 Rate of Increase: 3.3 Effective Date: 16 December 2015</p> <p><b>Indexation No. 6</b> For period: December 2015 to March 2016 Index: 112.4 Rate of Increase: 0.3 Effective Date: 2 June 2016</p> <p><b>Indexation No. 7</b> For period: March 2016 to June 2016 Index: 113.4 Rate of Increase: 0.1 Effective Date: 2 June 2016</p> <p><b>Indexation No. 8</b> For period: June 2016 to September 2016 Index: 114.3 Rate of Increase: 0.9 Effective Date: 9 November 2016</p>	<p><b>Indexation No. 9</b> For period: September 2016 to December 2016 Index: 116.0 Rate of Increase: 0.17 Effective Date: 28 March 2017</p> <p><b>Indexation No. 10</b> For period: December 2016 to March 2017 Index: 117.1 Rate of Increase: 0.11 Effective Date: 18 May 2017</p> <p><b>Indexation No. 11</b> For period: March 2017 to June 2017 Index: 118.8 Rate of Increase: 0.17 Effective Date: 02 August 2017</p> <p><b>Indexation No. 12</b> For period: June 2017-September 2017 Index: 119.9 Rate of Increase: 0.11 Effective Date: 06 November 2017</p> <p><b>Indexation No. 13</b> For period: September 2017- December 2017 Index: 120.5 Rate of Increase: 0.6 Effective Date: 01 March 2018</p> <p><b>Indexation No. 14</b> For period: December 2017 – March 2018 Index: 121.6 Rate of Increase 1.1 Effective Date: 22 June 2018</p> <p><b>Indexation No. 15</b> For period: March 2018 – June 2018 Index: 122.8 Rate of Increase 1.2 Effective Date: 06 August 2018</p> <p><b>Indexation No. 16</b> For period: June 2018 – September 2018 Index 124.2 Rate of Increase 1.4 Effective Date: 04 December 2018</p>
---	---

**Cont. Indexing Schedule**

<p><b>Indexation No. 17</b> For period: September 2018 – December 2018 Index 125.1 Rate of Increase 0.9 Effective Date: 13 February 2019</p> <p><b>Indexation No. 18</b> For period: December 2019 – March 2019 Index 126.1 Rate of Increase 1.0 Effective Date: 22 May 2019</p> <p><b>Indexation No. 19</b> For period: March 2019 – June 2019 Index 127.0 Rate of Increase 0.9 Effective Date: 5 August 2019</p> <p><b>Indexation No. 20</b> For period: June 2019 – September 2019 Index 126.8 Rate of Increase -0.2 Effective Date: 6 November 2019</p> <p><b>Indexation No. 21</b> For period: September 2019 – December 2019 Index 126.4 Rate of Increase -0.4 Effective Date: 10 February 2020</p> <p><b>Indexation No. 22</b> For period: December 2019 – March 2020 Index 126.2 Rate of Increase -0.2 Effective Date: 21 May 2020</p> <p><b>Indexation No. 23</b> For period: March 2020 – June 2020 Index 125.8 Rate of Increase -0.4 Effective Date: 13 August 2020</p> <p><b>Indexation No. 24</b> For period: June 2020 – September 2020 Index 125.9 Rate of Increase 0.1 Effective Date: 5 November 2020</p> <p><b>Indexation No. 25</b> For period: September 2020 – December 2020 Index 125.4 Rate of Increase -0.5 Effective Date: 15 March 2021</p>	<p><b>Indexation No. 26</b> For period: December 2020 – March 2021 Index 125.3 Rate of Increase -0.1 Effective Date: 7 May 2021</p> <p><b>Indexation No. 27</b> For period: March 2021 – June 2021 Index 129.1 Rate of Increase 0.038 Effective Date: 12 August 2021</p> <p><b>Indexation No. 28</b> For period: June 2021 – September 2021 Index 130.8 Rate of Increase 0.017 Effective Date: 24 November 2021</p> <p><b>Indexation No. 29</b> For period: September 2021 – December 2021 Index 135.5 Rate of Increase 0.047 Effective Date: 11 March 2021</p> <p><b>Indexation No. 29</b> For period: December 2021 – March 2022 Index 139.1 Rate of Increase 0.036 Effective Date: 5 May 2022</p>
---	--



[www.fairfieldcity.nsw.gov.au](http://www.fairfieldcity.nsw.gov.au)

City Strategic Planning Group 2022

Objective File No. 09/04204  
Objective reference: A4074230

Print Version 5 – November 2022

**\$6.50 including GST**  
**Sundry income: AG800.12601**  
**Code: 97**