

(Item 23/23) Draft Section 7.12 Local Infrastructure Contributions Plan for the Burwood Local Government Area - Adoption

File No: 23/13698

Report by Director City Strategy

Summary

This report provides an overview of the public exhibition of the consolidated draft Section 7.12 Local Infrastructure Contributions Plan for the Burwood Local Government Area (LGA).

During the exhibition period no submissions were received. It is now recommended that the consolidated Section 7.12 Local Infrastructure Contributions Plan for the Burwood Local Government Area be formally adopted by Council.

Operational Plan Objective

- A.34 Review and update the Burwood Contributions Plan to facilitate appropriate delivery of infrastructure
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

Council, at its meeting on 14 February 2023, considered a report on the consolidated draft Section 7.12 Local Infrastructure Contributions Plan for the Burwood LGA, including the reviewed and updated works schedule and resolved to endorse the draft plan and works schedule for public exhibition in accordance with the relevant legislation.

The draft Section 7.12 Plan replaces the two (2) existing plans that currently apply to the Burwood LGA, being the Section 7.12 Local Infrastructure Contributions Plan - Burwood Town Centre and Section 7.12 Local Infrastructure Contributions Plan - Land outside the Burwood Town Centre with an updated consolidated Section 7.12 Plan, applying to the whole of the LGA. The existing works schedules within each of the plans were also reviewed and updated into one consolidated works schedule.

The draft consolidated Section 7.12 Local Infrastructure Contributions Plan includes the following:

Contribution Levies

The draft plan specifies flat percentage levies of the proposed cost of development. The rates listed in the tables below are the same as those identified in the existing Contributions Plans.

Table 1: Burwood Town Centre

Development that has a proposed cost of carrying out the development	Levy rate
Up to and including \$250,000	Nil
More than \$250,000	4 per cent

Table 2: All other parts of the LGA

Development that has a proposed cost of carrying out the development	Levy rate

Type of development	
<ul style="list-style-type: none"> Development of a dwelling house, and alterations and additions to a dwelling house (excluding development that results in the creation of additional lots (subdivision) or development of a secondary dwelling (granny flat)) Any ancillary structures associated with a dwellings house 	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$300,000; 0.25% of the cost of development of more than \$300,000.
<ul style="list-style-type: none"> All other development Note: Secondary dwellings and subdivision or development that results in the creation of an additional lot or dwellings is included in this category 	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$200,000; 1% of the cost of development of more than \$200,000.

Works Schedule Changes

The works schedule in the draft plan has been compiled based on those in the existing plans, and has been consolidated and updated as follows:

- Deletion of works that have been completed or no longer required.
- Identification of new infrastructure works to be funded wholly or in part by contributions.
- Preparation of mapping to identify location of the site specific works
- Adjustment of priorities and the timing for the delivery of works.
- Revision of cost estimates (where known).

The proposed work schedule identifies the works, generally, based on the following categories:

- Open space – includes land acquisition for new open space, embellishment of new open space and embellishment of existing open space
- Community facilities – for example this now includes the Burwood Urban Park Arts and Cultural Centre and Enfield Aquatic Centre upgrades
- Public domain improvements
- Roads and traffic – includes intersection works, street openings, road widening, street resurfacing and kerb and gutter upgrades
- Stormwater pipe upgrades

Council's operational plan will provide the details as to what the works specifically entail and which financial year the works are proposed to be undertaken.

Legislation Changes

The draft Plan reflects the up to date provisions and clause numbers of the Environmental Planning and Assessment Regulation 2021, and is consistent with the advice of the Section 7.12 Fixed Development Consent Levies Practice Note issued by the Department of Planning and Environment in February 2021.

Other Changes

Compared to the existing Section 7.12 Plans, the new draft Plan includes other changes as follows:

- Insertion of an executive summary (Part 1)
- New provisions that clarify that the use of funds from the existing plans will be used for the purposes for which they were collected, including the works listed in the works schedule of the new plan (Section 2.8).
- A provision that clarifies where Council may consider a request for exemption from the payment of the section 7.12 levies, based on certain types of development (Section 3.2). The draft Plan proposes to allow the provision to apply across the LGA and includes the following exemptions:
 - Developments (and modification applications) to be carried out by, or on behalf of Burwood Council, for the provision of public infrastructure including infrastructure
 - Developments undertaken by, or on behalf of a charity or not-for-profit organisation (as defined by the Australian Taxation Office), but only in cases where the development is of a small scale, and where Council considers that there will not be an increase in the demand for public works or infrastructure
 - development exempted from section 7.12 levies by a Ministerial Direction under section 7.17 of the Act
- New savings provisions to reflect that the new plan will apply to development applications (DA) and applications for a complying development certificate (CDC) that have been submitted but not determined when the new plan takes effect (Section 2.9). This will ensure that any development that is currently applicable under the existing plans will continue to be so upon Council's approval of the new plan.
- Change of the provisions on timing of a contribution payment for development that is subject to a CDC, from payment within two days of the issue of the CDC, to payment prior to the development commencing (Section 3.7). This is consistent with the requirements of the 2021 Regulation.
- A new provisions requiring that contributions for development, where no subdivision or building approval is required, must be paid prior to the issue of development consent (deferred commencement) or release of the occupation certificate (section 3.7). This is to ensure that the contribution is paid prior to the consent being activated and/or the development is occupied.
- New provisions on deferred or period payment (Section 3.9). The current plans are currently silent on deferred payments. However, Council does not accept the deferral of contributions, unless required to by legislation (for example, COVID requirements issued by the Minister). This provision provides clarity.
- Update to the condition of consent relating to the payment of section 7.12 contributions (Appendix 4). The condition has been updated to reflect the mandated standard condition, as prescribed by the Department of Planning and Environment.
- Editorial changes have also been made in the interests of clarity and consistency. Further minor revisions may be required should any inaccuracies or miscalculations be identified.

A copy of the draft Section 7.12 Plan as exhibited is provided at Attachment 1.

Public Exhibition

In accordance with Council's resolution and the relevant provisions of the legislation, the draft Section 7.12 Plan was exhibited for 28 days between 21 February and 21 March 2023. An

exhibition notice and the draft plan, including the updated works schedule were displayed on Council's website as well as Participate Burwood for the period of the exhibition.

No submissions were received during the exhibition period.

Planning or Policy Implications

When the draft Section 7.12 Plan is approved by Council and becomes effective, the two existing plans will be repealed.

In accordance with the proposed savings provisions, the new plan will apply to a development application and application for a Complying Development Certificate that have been submitted but not determined when the new plan takes effect.

Financial Implications

The total cost of the proposed works identified in the works schedule to the draft contribution plan is approximately \$245,000,000. These works would be delivered progressively, in accordance with the capital works plan and long term financial plan, as endorsed by Council.

A contributions plan provides a means to fund local public infrastructure. Funding of works may also be supplemented by funds received through grants (eg WestInvest Fund), voluntary planning agreements and other charges.

Conclusion

The draft Section 7.12 Plan has been publicly exhibited in accordance with Council's resolution and the legislation requirements. No submissions were received during the exhibition period. No changes have been made to the draft plan and works schedule, post exhibition and it is recommended that Council endorse the Section 7.12 Plan, as exhibited.

Recommendation(s)

1. That Council approve the draft Section 7.12 Local Infrastructure Contributions Plan for the Burwood Local Government Area.
2. That Council authorise the General Manager to allow further editorial or minor changes, including incorporation of relevant mapping and formatting to the draft Section 7.12 Local Infrastructure Contributions Plan.
3. That the Section 7.12 Local Infrastructure Contributions Plan for the Burwood LGA become effective on the day on which notice of the Council's decision to approve the plan is published on Council's website.

Attachments

- 1 Draft Section 7.12 Local Infrastructure Contributions Plan as exhibited



BURWOOD SECTION 7.12 LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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Draft for Public Exhibition
February 2023

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1. Executive Summary

1.1 Introduction

The Burwood Section 7.12 Local Infrastructure Contributions Plan (Plan) has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021* and applies to the Burwood Local Government Area (LGA).

This Plan authorises consent authorities and accredited certifiers to impose conditions of consent on development applications (DAs) and complying development certificates (CDCs) for development contributions under section 7.12 of the *Environmental Planning and Assessment Act 1979*.

This Plan is intended to cater for a planning period of 2021 to 2036, which is the period for which the population forecasts have been prepared and will help to ensure adequate local public infrastructure is in place and that the existing community is not burdened by the costs of local public infrastructure required as a result of future development.

1.2 Population and Employment Growth

This Plan is based on the provision of public amenities and services to support the growth and development of the Burwood LGA including the Burwood Town Centre. As a Strategic Centre in the Eastern City District of Greater Sydney, there is expected to be substantial growth in employment, services and housing.

The Burwood Local Housing Strategy sets housing targets as 7,000 new dwellings to be built between 2016 and 2036. The population in the Burwood LGA is forecast to grow by approximately 19,500 additional residents. The employment is forecast to grow by approximately 5,500 new jobs.

Seventy percent (70%) to 80% of new dwellings and jobs are expected to be built and created within the Burwood Town Centre. Housing targets and population and employment growth forecast will be reviewed and are expected to increase further with the completion of the Burwood North Metro Station.

The growth in residential population, employment and use of services in the Burwood LGA will require and generate demand for new, extended and augmented public amenities, services and infrastructure. New residents, workers and visitors to Burwood will have inadequate levels of service if Council does not take action to provide new public amenities and infrastructure, or extend and augment existing facilities. The levels of service for the existing population will also decline if there is inadequate public investment.

This Plan seeks to impose a levy on development to ensure the delivery of new, upgraded or augmented local infrastructure is delivered to meet the additional demand generated from the population and employment growth.

1.3 Indexation of Contributions

If the contribution is not paid within the same financial quarter as the date of the development consent, the contributions payable is to be adjusted to reflect inflation in the Consumer Price Index (All Groups Index) for Sydney.

1.4 Section 7.12 Contribution Levies

This Plan applies to all development in the Burwood LGA where the proposed cost of development is more than \$100,000.

Some exemptions apply, as identified in Section 3.2 below.

The total levy amount that is to be imposed on a single development is calculated by multiplying the applicable levy rate shown in the table below by the total proposed cost of the development.

The section 7.12 levies that apply under this Plan are shown in Table 1 (Burwood Town Centre) and Table 2 (All other parts of the LGA) below:

Table 1: Burwood Town Centre (refer to Map in Figure 2)

Development that has a proposed cost of carrying out the development	Levy rate
Up to and including \$250,000	Nil
More than \$250,000	4 per cent

Table 2: All other parts of the LGA (refer to Map in Figure 1)

Development that has a proposed cost of carrying out the development	Levy rate
Type of development	
<ul style="list-style-type: none"> Development of a dwelling house, and alterations and additions to a dwelling house (excluding development that results in the creation of additional lots (subdivision) or development of a secondary dwelling (granny flat)) Any ancillary structures associated with a dwellings house 	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$300,000; 0.25% of the cost of development of more than \$300,000.
<ul style="list-style-type: none"> All other development <p>Note: Secondary dwellings and subdivision or development that results in the creation of an additional lot or dwellings is included in this category</p>	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$200,000; 1% of the cost of development of more than \$200,000.

1.5 Works Schedule

Contributions collected under this Plan will be used to fund, in part or in full, the local public infrastructure works set out in the Schedule of Works in Appendix 1.

2. Administration

2.1 Name of this Plan

This Plan is called the **Burwood Section 7.12 Local Infrastructure Contributions Plan** ('Plan') This Plan has been prepared for the purposes of section 7.12 of the *Environmental Planning and Assessment Act 1979* (NSW) ('EP&A Act') in accordance with Division 7.1 of the EP&A Act and Part 9 of the *Environmental Planning and Assessment Regulation 2021* ('EP&A Regulation').

2.2 Purpose of this Plan

The primary purpose of this Plan is to authorise:

- the consent authority, when granting consent to an application to carry out development to which this Plan applies, or
- the principal certifier (could be Council or a private certifier), when issuing a complying development certificate (CDC) for development to which this Plan applies,

to impose a condition requiring contributions under a fixed rate levy under section 7.12 of the Act to be made towards the provision, extension or augmentation of local infrastructure as required as a consequence of development in the Burwood LGA, or which were provided in anticipation of, or to facilitate, such development.

The plan's other, secondary purposes are to:

- provide the framework for the efficient and equitable determination, collection and management of contributions towards the provision of local infrastructure in the Burwood LGA; and
- ensure Council's management of local infrastructure contributions complies with relevant legislation and practice notes; and
- establish the relationship between expected development and proposed local infrastructure; and
- ensure that developers make a reasonable contribution to the provision of local infrastructure required for development anticipated to occur up to 2036; and
- ensure that the existing community is not burdened by the cost of providing new infrastructure, either partly or fully, as a result of development in the area.

2.3 Area to which this Plan applies

This Plan applies to all land within the Burwood LGA as shown on the map in Figure 1.

Figure 1 – The Burwood LGA and the Burwood Town Centre



Figure 2 – Map of the Burwood Town Centre



2.4 Commencement of this Plan

This Plan commences on the date on which public notice was given under clause 214(2) of the EP&A Regulation or on the date specified in that notice if it is a later date, this being <insert date>

2.5 Life of this Plan

This Plan is based on forecast growth in population and employment from 2021 until 2036 as a result of development in the Burwood LGA. Council intends to operate this Plan until either 2036, or Council has collected all contributions required for all items in the works schedule in Appendix 1, or Council repeals this Plan.

2.6 Review of this Plan

Council intends to review this Plan every five years, or as it sees fit, in order to ensure it reflects and addresses community needs, Council's priorities and relevant legislation.

2.7 Relationship with other plans and policies

As of this Plan's commencement date, this Plan repeals the following contributions plans:

- Section 7.12 Plan for the Burwood Town Centre
- Section 7.12 Plan for the Burwood Local Government Area excluding Burwood Town Centre

This Plan does not affect development consents containing conditions requiring contributions or levies under the above plans.

2.8 Use of funds from repealed contributions plans

Upon the commencement of this Plan, the Council holds monetary section 7.12 levies in its funds paid to pursuant to conditions of development consents granted in accordance with contributions plans repealed by this Plan. There are also monetary section 7.12 levies yet to be paid to the Council pursuant to conditions of development consents granted in accordance with contributions plans repealed by this Plan.

Section 7.3 of the EP&A Act requires the Council to hold any monetary contribution or levy paid to the Council in accordance with the conditions of a development consent for the purpose for which the payment was required, and apply the money towards that purpose within a reasonable time.

The Council will apply monetary contributions and levies held by it upon the commencement of this Plan and monetary contributions and levies paid to it after the commencement of this

Plan pursuant to conditions of development consents granted in accordance with contributions plans repealed by this Plan as follows:

- if the work or works for which a contribution or levy was required to be paid under a repealed plan is a work or works listed in the works schedule in Appendix 1, the contribution or levy will be applied towards the cost of that work or those works,
- if the work or works for which a contribution or levy was required to be paid under a repealed plan is not a work or works listed in the works schedule in Appendix 1, the contribution or levy will be applied towards the cost of a work or works listed in the works schedule in Appendix 1 this Plan that, in the Council's opinion, addresses the same or a similar demand for public facilities arising from development as the work or works in the repealed plan,
- if the work or works for which a contribution or levy was required to be paid under a repealed plan is not a work or works listed in the works schedule in Appendix 1 of this Plan, and there is no work or works listed in the works schedule in Appendix 1 of this Plan that addresses the same or a similar demand for public facilities arising from development as the work or works in the repealed plan, the contribution or levy will be applied at the Council's discretion towards the cost of a work or works listed in the works schedule in Appendix 1 of this Plan that the Council considers best meets the public interest.

2.9 Savings and transitional arrangements

This Plan applies to a development application (DA) and application for a complying development certificate (CDC) that had been submitted but not determined on the date on which this Plan took effect.

3. Application and Operation of this Plan

3.1 Development for which this Plan applies

This Plan applies to all development in the Burwood LGA where the proposed cost of development is more than \$100,000, unless specified as exempt in Section 3.2 below.

3.2 Development that is exempted under this Plan

At Council's absolute discretion exemptions to the payment of levies under this Plan may apply to the following types of development:

- Developments (and modification applications) to be carried out by, or on behalf of Burwood Council, for the provision of public infrastructure including infrastructure funded by section 7.12 contributions;
- Developments undertaken by, or on behalf of a charity or not-for-profit organisation (as defined by the Australian Taxation Office), but only in cases where the development is of

a small scale, and where Council considers that there will not be an increase in the demand for public works or infrastructure as a result of the development which would warrant the payment of a section 7.12 levy.

- development exempted from section 7.12 levies by a Ministerial Direction under section 7.17 of the Act.

Applicants should describe how their development is consistent with the relevant exclusion in their development application. If Council is satisfied the development is consistent with the relevant exclusion, it will exclude the development from the need to pay a contribution.

Where the proposal includes a range of works or a mix of land uses, only the works or uses excluded under this Plan will be excluded from the need to pay a contribution. All other works and uses are to be levied with development contributions in accordance with this Plan. A development application seeking a partial exclusion must identify the spaces, works and costs relevant to the land use said to be the subject of the exclusion.

3.3 Relationship between expected development and a need for a section 7.12 levy

The works identified for infrastructure and facilities arising from population and employment growth of the LGA have been based on Council's long-term planning for capital works. The works to be funded through the collection of the section 7.12 levy are shown in Appendix 1 and identify the works, estimated costs, and priority for delivery subject to available funding.

3.4 Application of a section 7.12 levy to development types

3.4.1 Imposing a section 7.12 levy – consent authority

Where a consent authority determines a development application, a section 7.12 levy may be imposed as a condition of consent. The condition must be prepared in accordance with this Plan. Appendix 6 contains the current condition of consent.

3.4.2 Imposing a section 7.12 levy – principal certifier

A principal certifier (could be Council or a private certifier) must, if a complying development certificate is issued, impose a section 7.12 levy that is calculated in accordance with this Plan.

3.5 Section 7.12 levy amount

The total levy amount that is to be imposed on a single development is calculated by multiplying the applicable levy rate shown in Table 1 and Table 2 below by the total proposed cost of the development.

The section 7.12 levies that apply under this Plan are shown in Table 1: Burwood Town Centre and Table 2: All other parts of the LGA, below:

Table 1: Burwood Town Centre (refer to Figure 2 above)

Development that has a proposed cost of carrying out the development	Levy rate
Up to and including \$250,000	Nil
More than \$250,000	4 per cent

Table 2: All other parts of the LGA

Development that has a proposed cost of carrying out the development	Levy rate
Type of development	
<ul style="list-style-type: none"> Development of a dwelling house, and alterations and additions to a dwelling house (excluding development that results in the creation of additional lots (subdivision) or development of a secondary dwelling (granny flat)) Any ancillary structures associated with a dwellings house 	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$300,000; 0.25% of the cost of development of more than \$300,000.
<ul style="list-style-type: none"> All other development <p>Note: Secondary dwellings and subdivision or development that results in the creation of an additional lot or dwellings is included in this category</p>	<ul style="list-style-type: none"> Nil for cost of development up to and including \$100,000; 0.5% of the cost of development of more than \$100,000 and up to and including \$200,000; 1% of the cost of development of more than \$200,000.

3.6 How is the proposed cost of a development determined?

Where a section 7.12 levy is required under this Plan in relation to a condition of development consent or application for a CDC, the application is to be accompanied by a Cost Summary Report prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development.

The Cost Summary Report template is available on Council's website.

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

- where the applicant's estimate of the proposed cost of carrying out the development is between \$100,001 and \$750,000 – any building industry professional suitably qualified; or

- where the proposed cost of carrying out the development is in excess of \$750,000 – a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

The following must be included in the proposed cost of carrying out development:

- for development involving 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,
- for development involving 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,
- for development involving 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.

Note: Clause 208(4) of the EPA Regulation 2021 provides for costs that are excluded from any estimate or determination of the proposed cost of carrying out development.

Without limitation to the above, if an applicant fails to submit a Cost Summary Report or submits a deficient report, Council may have regard to an estimate of the proposed cost of carrying out the development prepared by an approved person engaged by Council pursuant to clause 208(3) of the EP&A Regulation 2021. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant, and consent is not to be issued until such time as these costs have been paid.

3.7 Timing of payment

Council's policy in relation to the timing of payments of monetary contributions required under this Plan is outlined below.

- Development applications involving subdivision but not building work - prior to the release of the subdivision certificate.
- Development applications involving building work but not subdivision - prior to the release of a construction certificate as specified in the development consent.
- Development applications involving subdivision and building work – prior to the release of construction certificate.
- Development applications where no subdivision or building approval is required – prior to the issue of development consent (deferred commencement) or release of the occupation certificate.

- Complying development works – prior to any work authorised by the certificate commences, as required by clause 156(2) of the EP&A Regulation.

The contributions and levies are to be updated at the time of payment to the most recent indexed values, in accordance with the indexation formulas set out in Section 3.9 below.

3.8 Contribution at the time of payment

Indexation of the contribution between the date of the granted development consent or issuing of a CDC and the date of payment will be undertaken by Council.

The indexation of the contribution will be conducted according to the below formula:

$$C_2 = \frac{C_1 \times CPI_2}{CPI_1}$$

Where:

C_1	Monetary contribution imposed on the development consent
C_2	Monetary contribution at the time that the contribution is paid
CPI_1	Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney available from the Australian Bureau of Statistics at the time of granting the relevant development consent
CPI_2	Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney available from the Australian Bureau of Statistics at the time the contribution is to be paid

The contribution payable will not be less than the contribution that would have been payable for the previous quarter, notwithstanding any indexation calculation.

3.9 Deferred or Periodic Payments

Council will not accept the deferred or periodic payment of any monetary contribution required under this Plan.

4. General Provisions

4.1 Will Council accept alternatives to a levy?

The Council may at its absolute discretion accept the dedication of land or provision of a material public benefit or works-in-kind in part or full satisfaction of a section 7.12 levy under this Plan.

As a general rule, only land or works directly associated with the roads and traffic improvements, public domain improvements and community facilities as indicated in Appendix

1 may be considered as a material public benefit or work-in-kind in satisfaction of the contributions levy. Applicants must provide full details, costs and valuations of the land or works.

If Council agrees to an alternative to the levy, it will either require the alternative as a condition of consent, or accept it under the terms of a Voluntary Planning Agreement.

4.2 Pooling of contributions funds

To improve Council's ability to deliver infrastructure in a timely and orderly fashion, this Plan authorises monetary contributions paid for different purposes in accordance with this Plan and any other contributions plan approved by Council, to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the Section 7.12 Works Schedule in Appendix 1.

Council may reprioritise the order of projects to align with the actual new development that occurs in a sequence different to that anticipated by this Plan. Council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

4.3 Obligations of accredited certifiers

4.3.1 Complying development certificates

This Plan requires that in relation to an application made to an accredited certifier for a complying development certificate (CDC):

- the accredited certifier must, if a complying development certificate is issued, impose a condition under s7.12 of the EP&A, and
- the amount of a levy required by a condition imposed under s7.12 must be determined in accordance with this Plan.

It is the responsibility of the principal certifying authority to accurately calculate and apply the development contribution conditions to complying development certificates. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

4.3.2 Construction certificates

It is the responsibility of a principal certifier (could be Council or a private certifier) issuing a construction certificate to certify that any development contributions required as a condition of

development consent or complying development certificate have been paid to the Council prior to the issue of the notice of commencement.

The principal certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council. The levy must be paid in accordance with the requirements of Clause 156 in Division 5 of the EP&A Regulation 2021.

Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action. The only exceptions to the requirement are where a work in kind, material public benefit and/or dedication of land arrangement has been agreed by the consent authority. In such cases Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.3.3 Occupation certificates

Section 46 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* require certifiers to confirm that there are no outstanding infrastructure contributions or levies prior to issuing an occupation certificate for development with a proposed cost of \$10million or more, as specified in the cost of works as specified in the development application.

An application for an occupation certificate must include a document from Council certifying that a contribution or levy under section 7.12 or 7.24 of the Environmental Planning and Assessment Act 1979 (EP&A Act):

- is not required at any time before the issue of an occupation certificate, or
- is required before the issue of an occupation certificate and the requirement has been met.

4.4 Use of contributions towards plan preparation and administration

The preparation and ongoing administration of this Plan will incur costs. Council considers that the costs involved are necessary to ensure the efficient provision of amenities and services to meet the demands generated by future developments. As such, Council will recoup the cost of creating this Plan as well as ongoing costs in managing, monitoring and implementing the plan from the contributions received under this Plan.

Appendix 1 - Section 7.12 Plan Works Schedule

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
OPEN SPACE			
<i>Land acquisition for new open space</i>		16,501,500	
168 Burwood Road, Burwood	Burwood Town Centre	12,000,000	2032
14 Burleigh Street, Burwood to consolidate with Elizabeth carpark	Burwood Town Centre	1,500,500	2032
37A Brighton Street, Croydon to enlarge Keith Smith Park	Croydon	1,500,500	2032
39 Brighton Street, Croydon to enlarge Keith Smith Park	Croydon	1,500,500	2032
Embellishment of new open space		1,155,915	
Pedestrian link Deane Street (Burwood Road to Mary Street), Burwood	Burwood Town Centre	1,155,915	2026
Embellishment of existing open space		6,597,000	
Blair Park	Croydon	100,000	2032
Brown Reserve	Croydon Park	35,000	2032
Burwood Park	Burwood Town Centre	1,945,000	2026-2029
Wangal Park	Croydon	265,000	2026-2029
Coolinoo Reserve	Enfield	80,000	2029-2032
Coronation Parade	Enfield	145,000	2026-2032
Flockhart Park	Croydon Park	905,000	2026-2032
Froggart Crescent Reserve	Croydon	50,000	2032
Henley Park	Enfield	1,680,000	2026-2029
Wyatt Avenue landscaped median (Horton Reserve)	Burwood	21,500	2032
Jackett Reserve	Burwood	36,500	2026-2029
Jackson Park	Croydon Park	50,000	2026
Keith Smith Park	Croydon	90,000	2026
King Edward Street Landscape traffic control area	Croydon	7,000	2029
Luke Avenue Landscaped traffic control area	Burwood	1,500	2026
Martin Reserve	Croydon Park	321,500	2026-2029

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Willie Street landscaped median	Enfield	15,000	2029
Prowse Reserve	Croydon	46,500	2029
Rochester Reserve	Croydon	20,000	2032
Russell Street Reserve	Strathfield	3,000	2026
Sanders Reserve	Burwood	40,000	2026-2032
St. Pauls Close	Burwood	3,000	2026
Stanley Street Reserve	Croydon Park	2,000	2026
The Parade	Enfield	1,500	2026
Trelawney Street Landscaped verge	Croydon Park	1,500	2026
Fitzroy Street traffic control area (Reed Reserve)	Croydon	2,000	2026
Walsh Avenue Reserve	Croydon Park	295,000	2026
Whiddon Reserve	Croydon Park	68,000	2026
Willie Street Landscaped verge	Strathfield	2,000	2026
Woodstock Park	Burwood	330,000	2026
Wyatt Avenue Park	Burwood	6,500	2026
Barbara Holborow Reserve	Croydon Park	28,000	2026
COMMUNITY FACILITIES		37,500,000	
Library and Community Hub	Burwood Town Centre	2,000,000	2026
Woodstock Community Centre	Burwood	500,000	2026
Burwood Urban Park Arts and Cultural Centre	Burwood Town Centre	20,000,000	2026
Enfield Aquatic Centre upgrades	Enfield	15,000,000	2026
PUBLIC DOMAIN IMPROVEMENTS			
Streetscape upgrades – Town Centre beautification		36,710,005	
Burwood Road - East side (Meryla Street - Church Street)	Burwood Town Centre	2,542,601	Ongoing
Burwood Road - West side (Burwood Park - Woodside Street)	Burwood Town Centre	2,606,523	Ongoing
Wilga Street - South side	Burwood Town Centre	609,635	Ongoing
Victoria Street East - North side	Burwood Town Centre	703,345	Ongoing

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Victoria Street East - South side	Burwood Town Centre	644,418	Ongoing
George Street - North side (Shaftesbury Road - Burwood Road)	Burwood Town Centre	559,533	Ongoing
George Street - South side (Shaftesbury Road - Burwood Road)	Burwood Town Centre	876,549	Ongoing
Marmaduke Street between Deane Street and George Street - both sides	Burwood Town Centre	436,109	Ongoing
Deane Street between Shaftesbury Road and Youth Lane - both sides	Burwood Town Centre	436,109	Ongoing
Belmore Street - North side (Conder Street - Shaftesbury Road)	Burwood Town Centre	2,100,464	Ongoing
Belmore Street - South side (Conder Street - Shaftesbury Road)	Burwood Town Centre	1,054,562	Ongoing
Conder Street - West side (Livingstone Street to Railway Parade)	Burwood Town Centre	565,689	Ongoing
Conder Street - East side (Norwood Street to Railway Parade)	Burwood Town Centre	509,667	Ongoing
Wynne Avenue - both sides	Burwood Town Centre	916,178	Ongoing
George Street - North side (Park Road - Burwood Road)	Burwood Town Centre	553,326	Ongoing
George Street - South side (Park Road - Burwood Road)	Burwood Town Centre	669,515	Ongoing
Victoria Street West - South side (Dunns Lane - Park Road)	Burwood Town Centre	387,878	Ongoing
Park Avenue - South side	Burwood Town Centre	882,763	Ongoing
Park Avenue - North side	Burwood Town Centre	1,345,574	Ongoing
Mary Street - both sides	Burwood Town Centre	1,267,400	Ongoing
Comer Street - South side (Park Road - Burwood Road)	Burwood Town Centre	1,022,411	Ongoing
Railway Crescent from Park Road to John Street north side and John Street from Railway Crescent to George Street - both sides	Burwood Town Centre	105,780	Ongoing
John Street - George Street to Victoria Street - both sides	Burwood Town Centre	85,656	Ongoing
Place Underground Low Voltage Aerial Supply Line	Burwood Town Centre	10,653,984	Ongoing
Place Underground Low Voltage Customer Service Line	Burwood Town Centre	2,812,813	Ongoing
Bus Stops, Shelters, Seats and Bins	Burwood Town Centre	839,889	Ongoing
Shaftesbury Road - East side (Victoria Street East to Deane Street)	Burwood Town Centre	771,634	Ongoing
Town Centre Upgrades - various locations (not mentioned above)	Burwood Town Centre	750,000	Ongoing
Street Closures and Shared Ways		1,250,000	
Conder Street - pedestrianised zone outside Burwood Public School	Burwood Town Centre	250,000	Ongoing
Clarendon Place - pedestrianised zone	Burwood Town Centre	250,000	Ongoing

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Deane Street (Mary Street to Burwood Road) - Shared Zone	Burwood Town Centre	250,000	Ongoing
Wynne Avenue pedestrianised zone	Burwood Town Centre	250,000	Ongoing
Railway Crescent (John Street to Burwood Road) - closure for pedestrian use	Burwood Town Centre	250,000	Ongoing
Footpath upgrades		3,723,210	
Albert Crescent (Cheltenham Road - Lucas Road), North / West	Burwood/Croydon	40,000	2032
Albert Crescent (Cheltenham Road - Brand Street), North / West	Croydon	20,000	2032
Alfred Street (Grogan Street - No 3 & No 2), both sides	Croydon	50,000	2032
Angelo Street, both sides	Burwood	120,000	2029
Bay Street (Acton Street - Dawson Street), North / West	Croydon	25,000	2032
Bay Street (Dawson Street - Lang Street), North / West	Croydon	25,000	2032
Boronia Avenue, Croydon – both sides	Croydon	60,000	2032
Boronia Avenue, Burwood - South / East	Burwood	30,000	2032
Britannia Avenue (No 29 – Comer Street), North / West	Burwood	100,000	2032
Burwood Road (Lily Street to Bligh Street), North / West	Enfield	40,000	2026
Clifton Avenue (Shaftesbury Road – Wallace Street), South / East	Burwood	40,000	2032
Conder Street (Hornsey Street – Livingston Street), North / West	Burwood	100,000	2032
Esher Street (New Street - Meryla Street), South / East	Burwood	30,000	2029
Ethel Street, both sides	Burwood	100,000	2029
Georges River Road (Burwood Road - Beaufort Street), North / West	Croydon Park	100,000	2032
George Street (Burwood Road - Shaftesbury Road), both sides	Burwood Town Centre	160,000	2026
Gloucester Avenue, East side	Burwood	30,000	2032
Henry Street, both sides	Strathfield	20,000	2029
Hornsey Street (Conder Street – Wentworth Road), both sides	Burwood	85,000	2032
Ilfracombe Avenue (Park Road to end), North side	Burwood	45,000	2032
Liverpool Road (Greenhills Street - Coronation Parade), both sides	Various suburbs	1,000,000	2032
Lucas Road – various between Parramatta Road and Albert Crescent	Burwood	400,000	2032
Marmaduke Street, East side	Burwood Town Centre	15,000	2032
Paisley Road (Shaftesbury Road - The Strand), both sides	Burwood/Croydon	150,000	2029

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ ONGOING)
Parramatta Road (Luke Avenue - Shaftesbury Road), South / East	Burwood	70,000	2032
Parramatta Road (No 314 - Esher Street - Burwood Road), South / East	Burwood	50,000	2032
Parramatta Road (Burwood Road - Neich Parade), South / East	Burwood	50,000	2032
Richmond Street, both sides	Croydon	45,000	2032
Royce Avenue (Cheltenham Road - Parramatta Road, both sides)	Croydon	60,000	2032
Seale Street (Burwood Road - Quandong Avenue, both sides; Quandong Avenue - Angelo Street, South/East)	Burwood	51,000	2032
Shaftesbury Road (various between Milton Street and Meryla Street)	Burwood	45,000	2032
Shaftesbury Road (various between Meryla Street and Wyalong Street)	Burwood	200,000	2029
Simpson Avenue, both sides	Burwood	30,000	2032
Tahlee Street, South / East	Burwood	72,210	2032
Victoria Street (No 1 - Shaftesbury Road), both sides	Burwood	120,000	2032
Waimea Street (Cheltenham Road - No 1B - Lucas Road), South / East	Burwood	20,000	2032
Webb Street (Irrara Street - Orchard Street), East side	Croydon	35,000	2032
Wentworth Road (Russell Street - Hornsey St), South / East	Burwood	25,000	2032
Wentworth Road (Arrowfield Avenue - Liverpool Road), North / West	Strathfield	20,000	2032
Willie Street (Liverpool Road - Henry Street), North / West	Strathfield	30,000	2032
Young Street (Queen Street - Orchard Street), North / West	Croydon	15,000	2032
ROADS AND TRAFFIC			
Intersection works	Burwood Town Centre	11,380,055	Ongoing
Burwood Road and Livingstone Street/Clarence Street - New Traffic Signals Multi-Purpose Poles (MPP)	Burwood Town Centre	500,000	Ongoing
Burwood Road and Belmore Street - Traffic Signals Upgrade (MPP)	Burwood Town Centre	500,000	Ongoing
Burwood Road and George Street - New Traffic Signals (MPP)	Burwood Town Centre	500,000	Ongoing
Burwood Road and Victoria Street East - New Traffic Signals (MPP)	Burwood Town Centre	1,400,000	Ongoing
Railway Parade and Conder Street - New Traffic Signals (MPP)	Burwood Town Centre	600,000	Ongoing
Burwood Road and Deane Street Traffic Signal Upgrade (MPP)	Burwood Town Centre	500,000	Ongoing
Shaftesbury Road and Clarence Street - New Traffic Signals (MPP)	Burwood Town Centre	500,000	Ongoing

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Belmore Street and Elizabeth Street – Footpath/Road Widening	Burwood Town Centre	50,000	Ongoing
Shaftesbury Road and Victoria Street East – Road Widening	Burwood Town Centre	1,400,000	Ongoing
Shaftesbury Road and Wilga Street – Road Widening	Burwood Town Centre	1,500,000	Ongoing
Shaftesbury Road and Belmore Street – New Traffic Signals (MPP)	Burwood Town Centre	500,000	Ongoing
Shaftesbury Road and Deane Street – New Traffic Signals (MPP) and Road Widening	Burwood Town Centre	2,330,055	Ongoing
Marmaduke and Deane Street – Road Widening	Burwood Town Centre	100,000	Ongoing
Belmore Street and Wynne Avenue – New Traffic Signals (MPP)	Burwood Town Centre	500,000	Ongoing
Belmore Street and Conder Street – New Signals (MPP)	Burwood Town Centre	500,000	Ongoing
Street Openings		300,000	
Victoria Street West – future opening of the eastern end at Burwood Road – civil works	Burwood Town Centre	300,000	Ongoing
Road widening		22,369,172	
Shaftesbury Road (east side) - land acquisition	Burwood Town Centre	2,745,000	Ongoing
As above (various – east and west sides) – construction of road widening	Burwood Town Centre	550,000	Ongoing
Victoria Street West – land acquisition	Burwood Town Centre	4,800,000	
As above – construction of road way	Burwood Town Centre	400,000	
Victoria Street East - land acquisition	Burwood Town Centre	6,058,000	Ongoing
As above – construction of road widening	Burwood Town Centre	200,000	Ongoing
George Street East between Burwood Road and Shaftesbury Road - southern side - land acquisition	Burwood Town Centre	1,407,000	Ongoing
As above – construction of road widening	Burwood Town Centre	400,000	Ongoing
Esher Lane, Burwood, north side between Webbs Lane & Esher Street – land acquisition	Burwood	162,500	Ongoing
As above – construction of road widening	Burwood	49,750	Ongoing
16 Lyons Street – land acquisition for Bells Lane widening	Strathfield	4,200,000	Ongoing
As Above - construction of road widening	Strathfield	200,000	Ongoing

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Wentworth Road, Strathfield, west side between Russell Street and Morwick Street – acquisition of land	Strathfield	263,061	Ongoing
As above - construction of additional approach lane	Strathfield	514,500	Ongoing
As above - construction of kiss and ride lane	Strathfield	211,365	Ongoing
Wentworth Road, Burwood, east side to Liverpool Road – land acquisition	Burwood	148,591	Ongoing
As above - construction of additional approach lane	Burwood	59,405	Ongoing
Bridges widening			
Shaftesbury Road Bridge	Burwood Town Centre	50,000,000	
Wentworth Road Bridge	Burwood/Strathfield	25,000,000	Ongoing
		25,000,000	Ongoing
Street resurfacing – various roads	Burwood Town Centre	40,000,000	
Street resurfacing – identified roads		7,500,000	
Baker Street (Ann Street - end)	Enfield	90,000	2026
Boyle Street (Georges River Road – Violet Street)	Croydon Park	120,000	2026
Claude Lane	Croydon	40,000	2032
Esher Street	Burwood	200,000	2026
Gordon Street	Burwood	250,000	2026
Grogan Street	Croydon	140,000	2026
Launcelot Avenue	Croydon Park	100,000	2029
Llangollan Avenue	Enfield	55,000	2026
Meta Street (Young Street - end)	Croydon	50,000	2032
Mt Pleasant Avenue	Burwood	150,000	2032
Nance Lane	Croydon Park	40,000	2032
Orontes Lane	Burwood	60,000	2032
Sherars Avenue	Strathfield	50,000	2026
Victoria Street (Burwood Road - Shaftesbury Road)	Burwood Town Centre	600,000	2026
Walsh Avenue (No 72 - No 9)	Croydon Park	100,000	2029

DESCRIPTION OF WORKS	LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Waratah Street (Violet Street - Lily Street)	Croydon Park	180,000	2029
Waratah Street (Arthur Street - Ardgriffe Street)	Burwood Heights	120,000	2032
Webbs Lane (Milton Street - Esher Lane)	Burwood	75,000	2032
Wellington Street	Croydon	50,000	2026
Wentworth Road (Railway Parade - Russell Street)	Strathfield / Burwood	350,000	2032
Woodside Avenue (Conder Street - Wentworth Road)	Burwood	240,000	2032
Paisley Road - Shaftesbury Road to The Strand	Burwood / Croydon	3,200,000	2032
Shaftesbury Road - Meryla Street to Parramatta Road	Burwood	210,000	2026
Weldon Street - Liverpool Road to Fitzroy Street	Burwood	300,000	2026
Claremont Road - Arthur Street to Liverpool Road	Burwood Heights	230,000	2026
Wentworth Road - Parramatta Road to Cooper Street	Strathfield	170,000	2026
Railway Parade - Oxford Street to Conder Street	Burwood	150,000	2032
Morwick Street - Railway Parade - The Boulevard	Strathfield	180,000	2032
Kerb and Gutter upgrades		945,000	
Albert Crescent (Cheltenham Road - Webb Street), North / West	Croydon	70,000	2032
Burwood Road (Violet Street - Llangollan Avenue), both sides	Enfield / Croydon Park	70,000	2032
Claremont Road (Liverpool Road - Arthur Street), South / East	Burwood Heights	70,000	2032
Fitzroy Street (Brady Street - Reed Street), North side	Croydon	40,000	2032
Kater Place (Boyle Street - Beaufort Street), North / West	Croydon Park	30,000	2032
Launcelot Avenue, both sides	Croydon Park	50,000	2032
Norwood Street (Conder Street - Oxford Street), both sides	Burwood	70,000	2032
Portland Street (Georges River Road - Tangarra Street), North / West - both sides	Enfield	110,000	2032
Richmond Street, both sides	Croydon	30,000	2032
Rockleigh Street, both sides	Croydon	60,000	2032
Tangarra Street (Blenheim Street - Portland Street), both sides	Croydon Park	40,000	2032
Tavistock Street (Georges River Road - Tullimbar Street & Tullimbar Street - Tangarra Street), both sides	Croydon Park	110,000	2032
Tullimbar Street (Blenheim Street to Portland Street both sides)	Croydon Park	100,000	2032

DESCRIPTION OF WORKS		LOCATION	COST ESTIMATE (\$)	STAGING (YEAR/ONGOING)
Waratah Street (Arthur Street - Ardgyffe Street), South / East		Burwood Heights	20,000	2032
Wentworth Road (Rowley Street - Gladstone Street), both sides		Strathfield / Burwood	75,000	2032
UPGRADES OF STORMWATER PIPES				
<i>Diameter of pipes (mm)</i>	<i>Length (m)</i>			
150	113	No specific location – subject to more detailed investigation		
225	1557			
300	3352			
375	4,906			
450	2,400			
525	502			
600	1337			
675	293			
750	543			
900	998			
1050	225			
1200	507			
1350	211			
1500	213			
1650	151			
Open Chanel – 1	391			
Open Chanel – 2	766			
TOTAL COST			245,165,107	

Appendix 2 – Mapping of Site Specific Works



Appendix 3 – Determination of Proposed Cost of Development

(Clause 208 of the Environmental Planning and Assessment Regulation 2021)

208 Determination of proposed cost of development

- (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.*

DRAFT

Appendix 4 – Condition of Consent

Condition	Reason
<p>Payment of section 7.12 contributions</p> <p>Before the issue of a construction certificate or <INSERT ALTERNATIVE TIMING>, the applicant must pay a total contribution of <INSERT \$XX> as calculated at the date of this consent to Council under section 7.12 of the EP&A Act, in accordance with the Burwood Section 7.12 Local Infrastructure Contributions Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Burwood Section 7.12 Local Infrastructure Contributions Plan.</p> <p>A copy of the development contributions plan is available for inspection on the Burwood Council website <insert link to plan>.</p>	<p>To address the increased demand for local infrastructure resulting from the approved development</p>

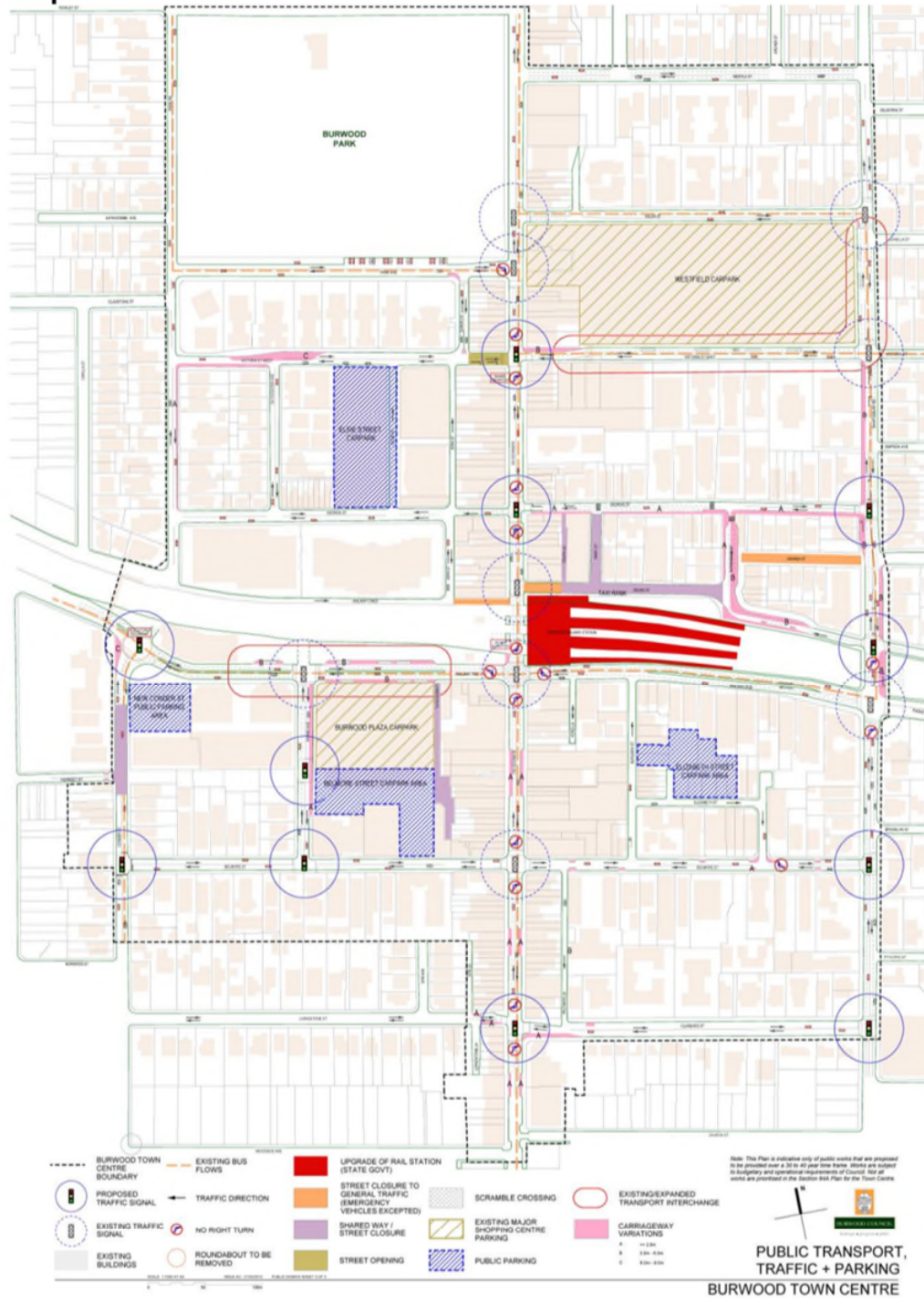
Map 1



Map 2



Map 3



Map 4

