



SECTION 7.12 CONTRIBUTION PLANS FACT SHEET

What is a Section 7.12 Contributions Plan?

Section 7.12 of the *Environment Planning and Assessment Act 1979* (the Act) allows a levy, based on a percentage of the development cost, to be imposed when a development consent or complying development certificate is issued.

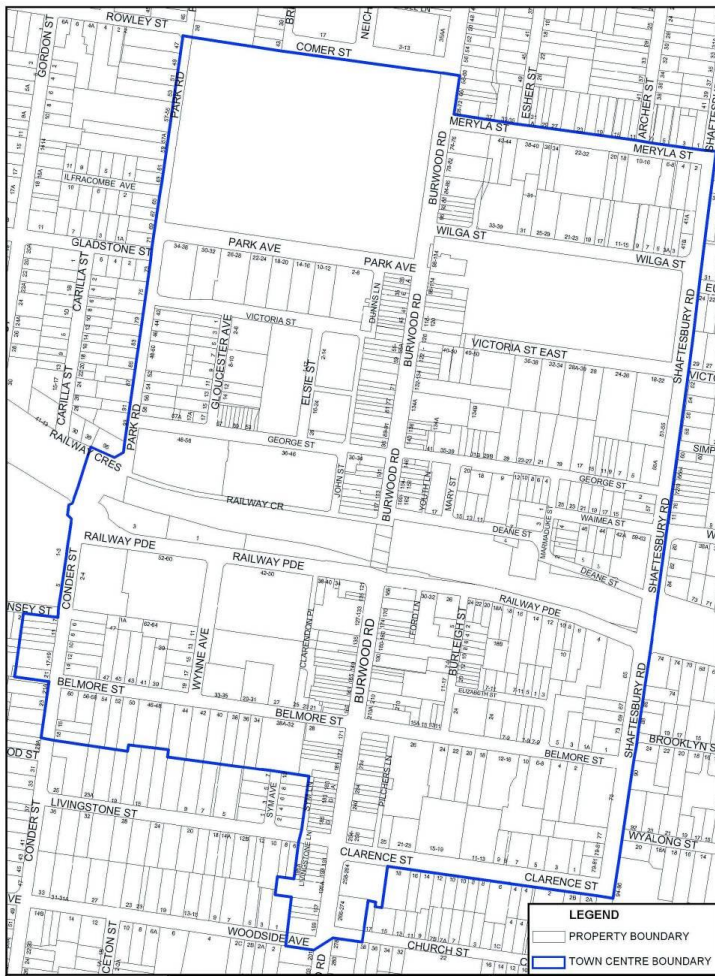


Image Above: Map of the Burwood Town Centre

What does the levy cover?

Levies paid to Burwood Council will be applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation.

Which Section 7.12 Contributions Plan applies?

There are two section 7.12 Contributions Plans that apply in the Burwood Local Government Area (LGA):

[Section 7.12 Plan for Burwood Town Centre](#) applies to land within the Burwood Town Centre.

[Section 7.12 Plan for Burwood Local Government Area excluding Burwood Town Centre](#) applies to land across the LGA, outside of the Burwood Town Centre.

What is the applicable levy?

The contribution rate is calculated as a percentage of the development value, as per the tables below:

Section 7.12 Levy - Burwood Town Centre

Development Cost	Contribution levy rate %
Up to and including \$250,000	Nil
More than \$250,000	4%

Section 7.12 Levy – Burwood LGA (excluding Burwood Town Centre)

Type of Development	Development Cost	Contribution levy rate %
All development (excluding dwelling house development and alterations and additions to a dwelling house)	Up to and including \$100,000	Nil
	\$100,001 - \$200,000	0.5%
	More than \$200,000	1%
Dwelling house, including alterations and additions or ancillary structures associated with a dwelling house	Up to and including \$100,000	Nil
	\$100,001 - \$300,000	0.5%
	More than \$300,000	0.25%

How is the development cost determined?

Clause 208 of the *Environmental Planning and Assessment Regulation 2021* (The Regulation) specifies the items that should and should not be included in the calculation of the cost of carrying out development. For more information on calculating the genuine cost of works refer to: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/2021/PS-21-022-Calculating-the-genuine-estimated-cost-of-development.pdf?la=en>

Do section 7.12 contributions apply to Complying Development?

Yes. Contributions are required as a condition of consent on Complying Development Certificates (CDC), whether the certificate is issued by a private accredited certifier or the Council. Private Certifiers can contact Council for a suggested condition of consent.

What is the responsibility of an accredited certifier?

Section 4.28(9) of the Act requires an accredited certifier to impose a condition requiring a contribution in relation to the Complying Development. It is the responsibility of the accredited certifier to check Council's Contributions Plan to determine its requirements before issuing a CDC and to attach conditions as required.

When are the contributions required to be paid?

For Complying Development, accredited private certifiers have the same obligations as Council when issuing certificates. Private certifiers are required to ensure that contributions have been paid. The contribution must be paid before the work authorised by the CDC commences (clause 156 of the Regulation 2021).

For Development Applications, contributions are to be paid prior to the release of the Construction Certificate.

Do the contributions apply to fit outs of shops and commercial premises?

Yes. However, it is recommended that you refer to Clause 208 of the Regulation 2021 as some fittings and furnishings may not be included in the calculation of the cost of carrying out development.

Will Section 7.12 payments be adjusted?

Clause 207 of the Regulation 2021 allows Council to adjust a Section 7.12 contribution between the date of the consent and the time of payment of the contribution.

Council will generally adjust the contribution amount at the time of payment based on the Consumer Price Index issued quarterly by the Australian Bureau of Statistics. Please contact Council's Customer Service Centre on 9911 9911 or at council@burwood.nsw.gov.au prior to organising payment.