



Attachment 1 to Item 10.1.2.

Draft Hawkesbury Section 7.12 Plan 2024

Date of meeting: 13 August 2024
Location: Council Chambers
Time: 6:30pm



2024 Section 7.12 Contribution Plan

Division:	City Planning	Policy Number:	Nil
Branch:	Strategic Planning	Adopted Date:	
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1 Executive Summary

1.1 Introduction

Hawkesbury City Council (Council) will experience development in the future that have an impact on the quality and demand for local infrastructure provided by Council.

To meet the need for improvements of local infrastructure, Section 7.12 (Formerly Section 94A) of the Environmental Planning and Assessment Act 1979 authorises a Consent Authority to impose a condition of consent to a proposed development requiring the payment of a monetary contribution in the form of a levy of the percentage of the proposed cost of carrying out the development. Money required to be paid under Section 7.12 is to be applied towards to the provision, extension, and augmentation of local infrastructure

This plan authorises Council or an accredited certifier to impose a condition of consent requiring a 7.12 payment from developments that:

- Are not subject to contributions under a section 7.11 Plan or relevant Voluntary Planning Agreement adopted by Council, and
- Has a proposed development cost of \$100,001 or greater and
- Not excluded under Section 2.6.1 of this plan.

This Plan has been prepared in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2020, and latest practice notes.

1.2 Contributions Levy Amounts

The below table contains the monetary contribution rate to be imposed as a condition of consent for applicable development.

Table 1 – 7.12 Contribution Levy Rates

Development Type	Levy Rate
Up to and equal to \$100,000	Nil
\$100,001 to \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

1.3 Calculating Contributions

Section 7.12 contribution levies shall apply to development subject to section 2.6 with a proposed cost of more than \$100,000 and is not subject to developer contributions imposed under another plan adopted by Council.

The total of the contribution levy to be paid is determined by applying the applicable levy identified in Table 1, to the cost of the development as per this plan.

$$\text{Contribution (\$)} = \%C \times \$C$$

Where:

%C is the applicable percentage rate (Table 1)

\$C is the proposed cost of carrying out the development



1.4 Work Schedule

Section 4 of this plan contains the work schedule for projects to be funded through 7.12 contributions collected under this plan. The work schedule is aligned with Hawkesbury's asset management program, providing for the delivery of works from the 2024/2025 – 2027/2028 financial years. The work scheduled contains project that are funded entirely through this plan and projects that a proportion of the cost are funded through this plan and supplemented through other funding sources such as grants or Council's general reserve.

Works delivered through this plan are categorised in the following three categories.

- Open Space and Recreation
- Buildings and Facilities
- Footpaths and Pedestrian Safety.



2 Administration and Operation of this Plan

2.1 Name of the Plan

The name of this plan is Hawkesbury 7.12 Contributions Plan 2024.

2.2 Purpose of the Plan

The purpose of this plan is to authorise Council when granting consent to a development application, or an accredited certifier when issuing a complying development certificate to which this plan applies to require monetary contributions to be made towards the provision, extension or augmentation of local infrastructure provided by council.

Additionally, this plan provides the framework to the administration and operation of the determination, collection and management of contribution levies collected.

2.3 Commencement of this Plan

The Plan commenced on the date on which public notice of its adoption by Council is published on the council website.

2.4 Relationship to Other Contribution Plans

The Plan repeals the Hawkesbury City Council Section 94A Contribution Plan 2015. The plan has no effect on any other contribution plans prepared and adopted by council. Section 2.17 of this Plan contains the transitional provisions of this plan.

2.5 The Land to which the Plan Applies

This plan applies to all areas of the LGA except in Vineyard Stage 1 of the North West Growth Centre.

2.6 Development to which the Plan Applies

The application of this plan is subject to conditions of the Environmental Planning and Assessment Regulations 2020. On this basis, the plan applies to all development not subject to contributions under another plan with a total cost of more than \$100,000, except as provided in section 2.6.1.

2.6.1 Development exempted from contributions under this plan.

The following development is exempt from payment of contributions.

- Development conducted by Council or NSW Government or done on the behalf of Council or by NSW Government for the purposes of public and community infrastructure.
- Development ordinarily incidental or ancillary to the use of a dwelling, such as swimming pools, garages, sheds, tree applications and the like
- Alterations or refurbishments of an existing development, where there is no enlargement, expansion, increase in floor area or intensification of the current land use.
- Educational establishments
- Hospitals
- Childcare centres
- Places of public worship
- Emergency service facilities



- Seniors housing development (other than self-contained dwellings forming part of seniors housing development)
- An application for demolition (where there is no replacement building or development)
- Development exempted from section 7.12 levies by the way of a direction made by the Minister of Planning under section 7.17 of the Environmental Planning and Assessment Act
- Any other development for which Council considers an exemption warranted, where a decision is made by formal ratification of the Council at a public meeting.

2.7 Imposition of 7.12 levies

This plan authorises Council or an accredited certifier when determining a development application of complying development certificate to impose a condition of consent requiring a levy under section 7.12 of the Environmental Planning and Assessment Act 1979 to be used in accordance with section 2.10 of this plan.

A section 7.12 levy cannot be issued if a section 7.11 (previously Section 94) contributions is required in relation to the same development or has been previously paid, in accordance with Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015.

This direction does however, permit the imposition of 94a (7.12) contributions on land where a 94 (7.11) has been paid previously, if the development will or likely will increase the demand for public amenities or public services beyond the increase in demand attributable to the initial development that the contribution was charged.

Accredited certifiers should refer to section 2.12 of this plan in respect to their obligations in determining applications.

2.8 Calculating Contributions

Section 7.12 contribution levies shall apply to development subject to section 2.6 with a proposed cost of more than \$100,000 as costed per Section 2.9 of this plan, that is not subject to developer contribution levy imposed under another plan.

The total of the contribution levy to be paid is determined by applying the applicable levy identified in Table 2, to the total cost of the development.

Table 2 – 7.12 Contribution Levy Rates

Development Type	Levy Rate
Up to and equal to \$100,000	Nil
\$100,001 to \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

Contribution (\$) = %C x \$C

Where:

%C is the applicable percentage rate (Table 1)

\$C is the proposed cost of carrying out the development



2.9 Costing of Development

2.9.1 Determining the Cost

Clause 208 of the Environmental Planning and Assessment Regulations 2021 provides the requirements of determining the proposed cost of development.

2.9.2 Cost Summary Reports with Development Applications

A cost summary report is to accompany a development application or an application for a complying development certificate. A cost summary report is to provide an estimate of the proposed cost, in accordance with section 208 of the Environmental Planning and Assessment Regulation 2020.

Council will assess all cost summary reports against a standard costing guide or other generally accepted costing method. Should the costing be assessed to be inaccurate, Council may at its sole discretion, engage a suitably qualified person to review the cost summary report submitted by the applicant, at the expense of the applicant.

2.9.3 Who may provide a Cost Summary Report?

The proposed cost of the development will stipulate who may provide the cost summary report as per Table 3

Table 3 – Who can provide a Cost Summary Report

Cost	Who can provide the cost summary report
Less than \$1,000,000	The applicant, or person on behalf of the applicant
\$1,000,000 or more	A registered quantity surveyor with the Australian Institute of Quantity Surveyors

2.10 Planning Agreements

This plan does not prevent Council and an Applicant from entering into a Planning Agreement that:

- Requires the applicant to make monetary contributions, undertake works or provide material if public benefit identified in this plan; and/or
- Exclude the payment of section 7.12 levy to the development.

2.11 Using Funds Collected from this Plan

Money collected by Council under a condition authorised by this Plan is to be applied towards one or more of the public facilities identified in Part 4 of this plan. This Plan authorises that funds collected can be used to recoup the cost of providing works in this plan if they are funded through other means.

2.12 Indexing of Contributions

The monetary contributions imposed are adjusted at the time of payment to reflect the indexed cost of the provision of works in this plan. This is to ensure that the value of contributions are not eroded by inflation. The contribution required by condition of consent imposed by this plan will be indexed in accordance with the 6401.0 All Groups CPI: Sydney, between grant of approval and the date on which the contribution is made as follows.

Indexed Development Cost =

$$\frac{CC \times CPI^c}{CPI^b}$$

Where:



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- CC: The contribution levy shown in the development consent.
 CPI^c: The Consumer Price Index at time of payment.
 CPI^b: The Consumer Price index for the quarter ending immediately prior to the date of the determination of the development consent.

The below table provides an example of the indexation of contributions.

Table 4 – Indexing of Contribution to CPI

Date	CPI	Proposed Construction Cost	7.12 Contribution	Event
Sep-22	128.6	\$400,000.00	\$4,000	Determination of Consent
Dec-22	130.9	\$407,153.97	\$4,071.54	
Mar-23	132.7	\$412,752.72	\$4,127.53	
Jun-23	134.0	\$416,796.27	\$4,167.96	
Sep-23	135.8	\$422,395.02	\$4,223.95	
Dec-23	136.4	\$424,261.28	\$4,242.61	Payment of Contribution

2.13 Obligations for Private Certifiers

2.13.1 Complying Development Certificates

This plan requires that development as identified in section 2.6 approved through a complying development certificate is subject to the payment of a development contribution levy. Accordingly:

- The accredited certifier must, if a complying development certificate is issued, impose a condition requiring a levy, if such a levy is authorised by this plan.
- The amount of the levy and the terms of the condition must be in accordance with this section.

2.13.2 Procedure for determining levy amount

1. Ensure that the development is not subject to a 7.11 contribution under any other plan.
2. Determine the 7.12 levy in accordance with the cost summary reporting requirements, and using the levy rate table in section 1.2, considering any exemptions as outlined in 2.6.1.

2.13.3 Terms of a section 7.12 condition

The terms of the condition required by this Section are as follows:

Contribution

The developer must make a monetary contribution to Hawkesbury City Council in the amount of \$ [insert amount] for the purposes of the Hawkesbury 7.12 Contributions Plan 2023.

Indexation

The monetary contribution is based on a proposed cost of carrying out the development of \$ [insert amount]. This cost (and consequently the monetary contribution) must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

Where:

Indexed Development Cost =

$$\frac{CC \times CPI^c}{CPI^b}$$



- CC: The contribution levy shown in the development consent.
CPI^C: The consumer price index at time of payment.
CPI^B: The consumer price index at time of issuing consent.

Time of payment

The contribution must be paid prior to any work authorised by this Complying Development Certificate commences, as required by clause 212(4) of the Environmental Planning and Assessment Regulation 2021.

Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.

Works in kind agreement

This condition does not need to be complied with to the extent specified in any works in kind agreement entered into between the developer and the Council.

2.13.4 Construction Certificates

An accredited certifier issuing a construction certificate for building work or subdivision must ensure that conditions of the complying development certificate requiring the payment of monetary contributions has been made before work is carried out.

Receipts confirming the payment of contributions must be provided to the accredited certifier, confirming satisfaction of relevant conditions of consent as per the requirements of this plan.

2.14 Timing of Payment

The payment of contributions imposed under this plan is to be made in accordance with the relevant development consent. Generally, the timing of payment is as follows:

- For development involving subdivision the contribution is to be paid prior to the release of the subdivision certificate (line plan).
- For development (other than subdivision) where a construction certificate is required, the contribution must be made prior to the release of the construction certificate.
- For works authorised under a complying development certificate, the contributions are to be paid prior to commencing any work authorised by the certificate.

2.15 Policy on Deferred or Periodic Payments

The applicant (or another person entitled to act upon a development consent) may apply in writing to the consent authority (excluding an accredited certifier) to modify the condition to provide for the deferred or periodic payment of the contribution.

Council may allow payment of contributions to be deferred in the following circumstances:

- Where the applicant intends to make a contribution through a planning agreement, works in kind or land dedication and Council and the applicant have a legally binding agreement, or
- There are circumstances justifying the deferred or periodic payment of the contribution.



An unconditional bank guarantee from a bank or financial institution will need to be provided for deferred or periodic payments for the full amount of the contribution or outstanding balance.

Bank Guarantees must be issued and will only be accepted on the following terms.

- The guarantee must specifically refer to the development consent that the guarantee is issued against, and if applicable, the respective stage.
- The guarantee will be for the contribution amount plus the estimated amount of compound interest for the anticipated period of the deferral.
- Council may call up the guarantee at anytime without reference to the applicant, however the guarantee will only be called up when cash payment has not been received, or land dedication or works delivered 'in kind' has not been delivered by the end period of the deferral.
- The period of deferral will be as agreed where land is to be dedicated or work delivered 'in kind', subject to Council's Works in Kind Policy and Procedure. The period may be extended, subject to the provision of a new bank guarantee consistent with the terms of this plan.
- Council will discharge the bank guarantee when payment is made by full in cash or a works in kind agreement for the dedication of land or delivery of works is executed.

Formula for Bank Guarantee

The following formula will be applied to all bank guarantees for 7.12 contributions:

$$\text{Guarantee Amount} = P + P(\text{CI} \times Y)$$

Where

P is the contribution due per relevant development consent

CI is the compound interest rate comprised of Council's estimate over the period plus 3% (allowance for fluctuations)

Y is the period of deferral (years)

2.16 Pooling of Monetary Contributions

This Plan authorises for monetary contributions paid as a requirement of development consent as stipulated by this plan, and other plans adopted by Council from time to time to be pooled together and applied progressively for the purposes outlined in these plans.

Priorities for the expenditure of contributions are set out in the work schedule of this plan, and other plans adopted by Council which authorise the pooling of contributions.

2.17 Refund of 7.12 Contributions

Council will generally not support the refund of 7.12 contributions imposed under this plan with the exception of the following circumstances.

- The application that the 7.12 contributions has been paid for is surrendered
- The condition in a development consent imposing a 7.12 contribution was made in error due to the development being exempt from the imposition of 7.12 contributions, or contributions have already been paid for that development.

Council may, at its complete discretion allow the refund of monetary contributions for an alternative reason.



2.18 Accounting and Access to Information

Accounting records and a register will be maintained for section 7.12 levies collected under this plan, and previously repealed Section 94A plan, in accordance with relevant clauses under the Environmental Planning and assessment Act 1979 and Environmental Planning and Assessment Regulations 2020. Details on access to accounting records will be published on Council's website and may be updated from time to time.

2.19 Savings and Transitional Arrangements

This plan applies to:

- A development application or application for complying development certificate submitted after the date of adoption of this plan.
- A development application or application for complying development certificate submitted before the date of adoption of this plan but not yet determined.

Where a condition of consent requiring a payment of a development contribution for a development application or a complying development certificate has been issued but not yet paid at the date of adoption of the plan, the payment and administration of the contribution levy is to be undertaken in accordance with the adopted plan at the time of issue of consent.



3 Local Infrastructure Demand

Council has developed its contribution system to best reflect the anticipated scale and spatial pattern of development.

In areas where there is a predictable and more direct relationship between anticipated development and required infrastructure, a local 7.11 plan (formerly 94) or a VPA has been adopted, as these contribution systems best suit this form of development.

This 7.12 plan has been prepared to address the infrastructure impact of development across the rest of the LGA. The remaining portion of the LGA features a diverse range of land uses including established residential areas, commercial and industrial centres, and rural uses. Due to being established uses and the presence of environmental and planning constraints, future development is anticipated to be slow and sporadic, resulting in it being difficult to determine the relationship between future development and infrastructure needs.

A 7.12 plan is suitable for this development pattern through charging a percentage of the development cost over a broader range of development to capture the general growth of demand for public infrastructure through development throughout the rest of Hawkesbury.

Expected population growth

According to the 2021 Census, Hawkesbury had a population of 67,472 people. An increase of 1,126 people from 2016. The Department of Planning, Housing and Infrastructure's projects in their common planning assumptions that Hawkesbury will experience an average yearly growth rate of 0.68% between 2021 and 2041. With this projection, Hawkesbury is anticipated to be home to 69,147 people by 2031 and 77,211 people by 2041.

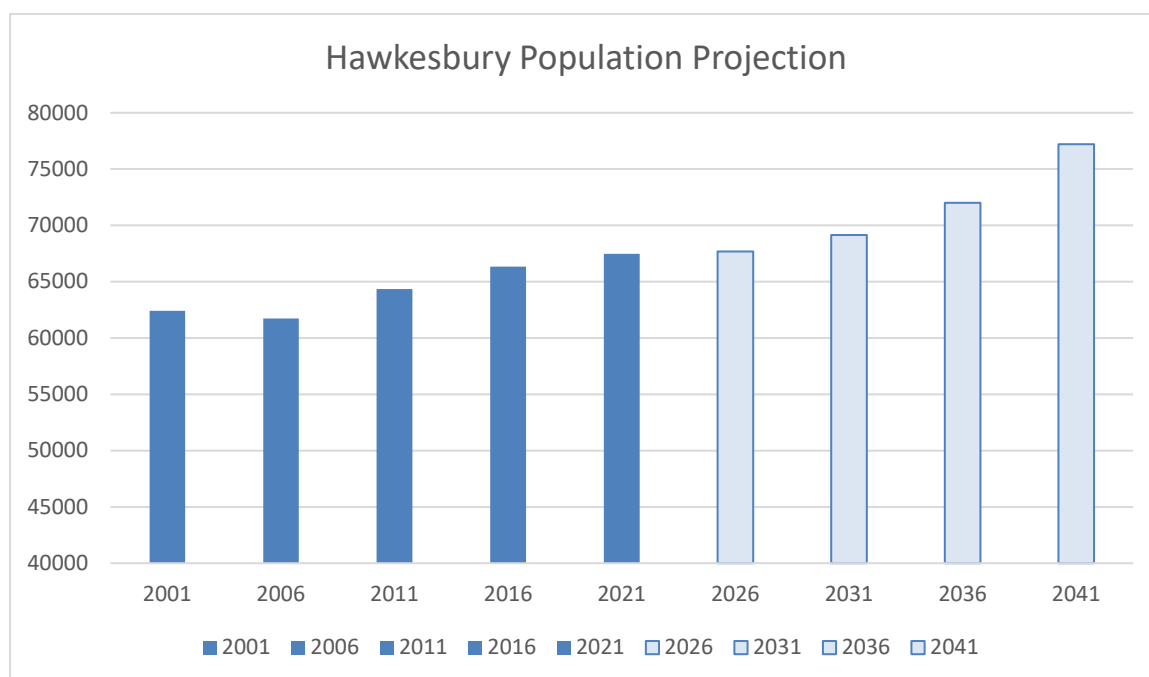


Figure 1 – Hawkesbury Population Projection

Source: Department of Planning Housing and Infrastructure – NSW Populations Projections¹

¹ NSW Population Projections - <https://www.planningportal.nsw.gov.au/populations>



Spatial distribution of population growth and associated demand

The distribution of Hawkesbury's projected population growth is not even across the LGA, with the majority of the growth concentrated within current and future greenfield developments of Redbank – North Richmond, Jacaranda - Glossodia, Pitt Town and in the Vineyard Precinct – Vineyard and Oakville. These areas are subject to their own 7.11 plan or VPA, and as such Council will not receive monetary 7.12 contribution for all or most of the development.

Despite, the concentration of projected growth in select area, a degree of growth is anticipated through the rest of the LGA. Table 5 below identifies population changes across select Hawkesbury suburbs between 2016 and 2021 as per Australian Bureau of Statistics Census findings.

Table 5 – Population and Development Growth 2016-2021

Suburb	2016 Population	2021 Population	Change	2016 Dwelling	2021 Dwellings	Change
Bligh Park	6360	6220	-140	2307	2337	30
Bowen Mountain	1572	1609	37	565	570	5
East Kurrajong	2195	2203	8	689	670	-19
Ebenezer	991	1081	90	337	339	2
Freemans Reach	1973	2049	76	679	700	21
Glossodia	2829	2865	36	964	982	18
Grose Vale	1261	1272	11	401	419	18
Hobartville	2744	2712	-32	1104	1119	15
Kurrajong	3059	3113	54	1104	1124	20
Kurrajong Heights	1340	1255	-85	528	502	-26
McGraths Hill	2555	2537	-18	907	901	-6
North Richmond*	4979	6358	1379	1932	2555	623
Oakville	1966	2027	61	633	644	11
Pitt Town*	3033	3871	838	981	1244	263
Richmond	5481	5418	-63	2401	2491	90
South Windsor	5893	5948	55	2481	2491	10
Vineyard**	1005	1018	3	444	490	46
Wilberforce	3007	2957	-50	1058	1047	-11
Windsor	1895	1915	20	782	853	71
Windsor Downs	1183	1183	0	365	380	15

*Growth largely from greenfield development within suburb boundary that is not captured by 7.12 contributions.

**Only includes portion of suburb within Hawkesbury Local Government Area



Similar patterns of development are anticipated to continue across the life of this plan, with the population growth accommodated largely through gradual residential development such as secondary dwellings, conversions to dual occupancies, or enlargement of existing dwellings.

Non-residential development

Demand for local infrastructure is also driven by non-residential development, particularly commercial, industrial, and agricultural development. With 7.12 contributions able to be applied to a broad range of land uses, these developments are captured through this plan to fund the improvement and establishment local infrastructure.

Figure 2 below identifies the total value of non-residential development in the Hawkesbury since 2011.

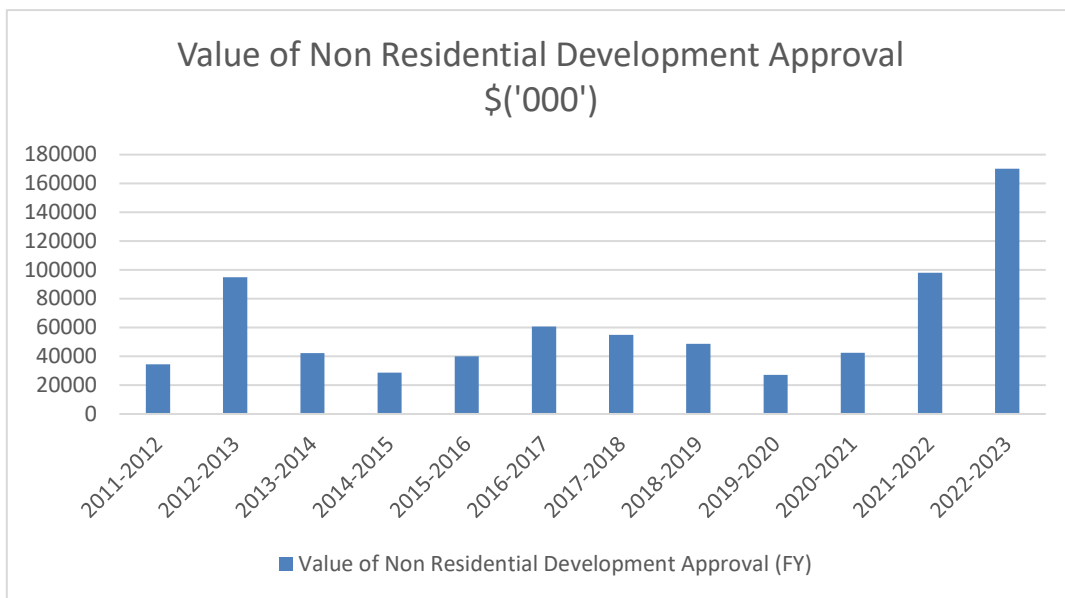


Figure 2 – Value of Non-Residential Development

Source: Profile Id – Economic Profile – Economic Indicators Building Approvals²

As demonstrated in the above figure, the rates of non-residential development is highly sporadic as it is dependent on broader industry and market changes, as well as availability of appropriately zoned and located land. As consequence, the rate and scale of future non-industrial development cannot be estimated or established. Accordingly, 7.12 contributions are an ideal contribution mechanism to capture the increased demand caused by non-residential development.

Importantly, as outlined in Section 2.6.1 of this plan, certain non-residential development that is considered population serving, are excluded from the imposition of development contributions.

These include:

- Schools and childcare facilities,
- Hospitals,
- Emergency service facilities
- Places of public worship
- Other development carried out by Council or the New South Wales and Federal Government.

² Economy ID - <https://economy.id.com.au/hawkesbury/value-of-building-approvals>



4 Work Program

Open Space and Recreation				
No.	Name	Location	7.12 Contribution	Year
OR1	Park Upgrade and Embellishment	Macquarie Park Freemans Reach	\$280,000.00	2024/2025
OR2	Playspace Upgrade	Bounty Reserve Bligh Park	\$100,000.00	2024/2025
OR3	Playspace Upgrade	Frank Mason Reserve South Windsor	\$50,000.00	2024/2025
OR4	Playspace Upgrade	Church Street Reserve South Windsor	\$50,000.00	2024/2025
OR5	Shade Over Play	Peel Park North Richmond	\$35,000.00	2024/2025
OR6	Shade Over Play	Macquarie Park Freemans Reach	\$35,000.00	2024/2025
OR7	Floodlight	Vineyard Oval Vineyard	\$300,000.00	2024/2025
OR8	Park Furniture Upgrade	Navua Reserve Yarramundi	\$10,000.00	2024/2025
OR9	Park Furniture Upgrade	Deerubin Park Cornwallis	\$10,000.00	2024/2025
OR10	Playspace Upgrade	Freemans Reach Park Freemans Reach	\$83,000.00	2024/2025
OR11	Playspace Upgrade	Jack Gow Memorial Park McGraths Hill	\$12,000.00	2024/2025
OR12	Park Furniture Upgrade	Argyle Bailey Reserve Ebenezer	\$25,000.00	2024/2025
OR3	Park Furniture Upgrade	The Breakaway Freemans Reach	\$30,000.00	2024/2025
OR14	Park Furniture Upgrade	Brinsley Park Pitt Town	\$30,000.00	2024/2025
OR15	Playspace Upgrade	Bradley Road Reserve South Windsor	\$100,000.00	2025/2026
OR17	Playspace Upgrade	Ham Common Clarendon	\$150,000.00	2025/2026



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OR18	New Sports Playing Field	Colbee Park McGraths Hill	\$200,000.00	2025/2026
OR19	Playspace Upgrade	McMahon Park Mcgraths Hill	\$100,000.00	2026/2027
OR20	Playspace Upgrade	Ignatious Park North Richmond	\$35,000.00	2027/2028
OR21	Playspace Upgrade	McQuade Park Windsor	\$35,000.00	2027/2028
OR22	Playspace Upgrade	Andrew Town Park Richmond	\$250,000.00	2028/2029
OR23	Playspace Upgrade	Susella Crescent North Richmond	\$35,000.00	2028/2029
OR24	Park Upgrade and Embellishment	South Windsor Park South Windsor	\$350,000.00	2028/2029

Buildings and Facilities				
No.	Name	Location	7.12 Contribution	Year
BF1	Public Amenity Building Upgrade	Deerubin Park Cornwallis	\$36,000.00	2024/2025
BF2	Public Amenity Building Upgrade	Navua Reserve Yarramundi	\$250,000.00	2024/2025
BF3	Public Amenity Building Upgrade	Argyle Bailey Reserve Ebenezer	\$100,000.00	2024/2025
BF4	Sports Amenity Building Upgrade	Brinsley Park Pitt Town	\$100,000.00	2024/2025
BF5	Sports Amenity Building Upgrade	The Breakaway Freemans Reach	\$100,000.00	2024/2025
BF6	Public Amenity Building Upgrade	McQuade Park Windsor	\$400,000.00	2026/2027
BF7	Public Amenity Building Upgrade	Upper Colo Reserve Upper Colo	\$200,000.00	2026/2027
BF8	Public Amenity Building Upgrade	Bensons Lane, Richmond Lowlands	\$200,000.00	2027/2027
BF9	Public Amenity Building Upgrade	Kurrajong Memorial Park, Kurrajong	\$300,000.00	2027/2028



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Footpaths and Pedestrian Safety				
No.	Name	Location	7.12 Contribution	Year
FP1	Footpath	Valder Avenue (Rutherglen Avenue to Southee Road) Hobartville	\$100,000.00	2025/2026
FP2	Footpath	Anderson Avenue and Lutrell Street (Cornwell Avenue to Southee Road) Hobartville	\$70,000.00	2025/2026
FP3	Footpath	Campbell Street, North Richmond (Elizabeth Street to Charles Street) William Street (Campbell Street to Charles Street)	\$34,000.00	2025/2026
FP4	Guard Rails	Gorricks Lane and Bensons Lane Freemans Reach and Richmond Lowlands	\$36,000.00	2025/2026
FP5	Footpath	Tyne Crescent (27 Tyne Crescent to Pecks Road) North Richmond	\$100,000.00	2026/2027
FP6	Footpath	Arthur Phillip Drive and Pecks Road (From 81 Arthur Phillip Drive to 94 Pecks Road) North Richmond	\$150,000.00	2027/2028
FP7	Footpath	George Road (From Mayne Street to Castlereagh Road) Wilberforce	\$60,000.00	2027/2028
FP8	Footpath	George Road (From Castlereagh Road to Duke Road) Wilberforce	\$90,000.00	2027/2028