

Wingecarribee Shire Council Section 7.12 Infrastructure Contributions Plan



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Wingecarribee Shire Council

Section 7.12 Infrastructure Contributions Plan

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1 Summary

1.1 Background

The Infrastructure Contributions Plan (the Plan) has been prepared under Section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Section 7.12 under Subdivision 3 of Part 7 of the EP&A Act authorises Wingecarribee Shire Council or an accredited certifier to impose a contribution on a development to fund the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation).

This Plan sets out where the contribution applies and how it is to be calculated. The Plan also indicates the infrastructure works that may be funded through developer contributions collected under the plan.

2.5 What development does the Plan apply to?

The Plan applies to all residential and non-residential development that:

- Is subject to a development application DA or CDC application under Part 4 of the EP&A Act, and
- Is located on land to which this Plan applies, as outlined in **Section 2.4**, and
- Is not exempt under **Section 1.6**, and
- Is not an application made by or on behalf of Council, and
- Has a cost of development in line with **Table 1** below,
- Is not otherwise subject to a Section 7.11 contributions as authorised by a Section 7.11 Contributions Plan adopted by Council. A summary of development types and the respective contributions method is provided in the table below.

Table 1 – Proposed development types

Development type	Applicable contribution plan
Residential	
Residential subdivision	s7.11 contribution
Apartments, shop top housing	s7.11 contribution
Dual occupancies, manor homes, multi dwelling housing	s7.11 contribution
Boarding houses, group homes, co-living houses	s7.11 contribution
Senior living housing (independent living units)	s7.11 contribution
Senior living housing (integrated facilities and residential care facilities)	s7.12 contribution
Alterations and additions	s7.12 contribution
Knock down rebuilds	s7.12 contribution
Non-residential	
Industrial and business park development INSIDE the Moss Vale Enterprise Corridor	s7.11 contribution
Industrial and business park development OUTSIDE the Moss Vale Enterprise Corridor	s7.12 contribution
Retail shops, business premises, commercial premises, offices, etc	s7.12 contribution
Educational establishments	s7.12 contribution
Tourist and visitor accommodation	s7.12 contribution
Change from one non-residential use to another with or without fit out	s7.12 contribution
Mixed-use development	Either s7.11 or s7.12 contributions
Other development	
All other development	s7.12 contribution

2.6 What development is exempt from the levy?

- Development undertaken or done on behalf of Council or the NSW Government for the purposes of public and/or community infrastructure.
- Where development cost does not exceed \$100,000
- Alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in Gross Floor Area (GFA) or intensification of the current land use.
- The following development types:
 - Educational establishments (government)
 - Hospitals
 - Places of public worship
 - Emergency service facilities
- Repair and replacement of structures impacted by natural forces and unpreventable events such as fire, flooding, earthquakes, lightning, etc.

From time to time, there may be other development exempted from Section 7.12 levies by way of a direction made by the Minister of Planning under Section 7.17 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979)

3 How are Section 7.12 contributions levied?

3.1 What are the Section 7.12 levies?

The levy will be calculated using the rates shown in **Table 1** in accordance with Clause 25K of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation 2021).

Table 2. Section 7.12 Contribution Levy rates

Proposed cost of development*	Levy rate
Up to and including \$100,000	-
\$100,001 to \$200,000	0.5%
More than \$200,000	1%

*Information relating to determining the proposed cost of development is outlined in **Section 3.2** below

3.2 Determining the proposed cost of development

Section 208 of the *EP&A Regulation 2021* sets out the procedures for determining the proposed cost of the development.

In accordance with Section 208 of the *EP&A Regulation 2021*, an applicant is required to provide a cost summary report to accompany a Development Application or Complying Development Certificate application.

Where development costs are proposed to be less than \$2,000,000, the cost summary report can be prepared by the applicant, or person on behalf of the applicant. A template cost summary report is provided as **Section 12**.

In instances where the cost exceeds \$2,000,000 the applicant will be required to get a registered quantity surveyor with the Australian Institute of Quantity Surveyors to prepare a cost summary report.

3.3 Calculating the Section 7.12 Contribution Levy

The total levy amount that is imposed on any individual development is calculated using the following formula.

$$\text{Section 7.12 Contribution Levy} = \text{Levy rate} \times \text{Cost of development}$$

Worked examples of how the contribution levy is applied to different development scenarios is provided in **Table 2** below.

Table 2. Calculating Contribution Levy examples

	Example 1	Example 2
Proposed development	Alterations and additions to a residential dwelling to provide an additional bedroom	Demolition of a 2 bedroom dwelling house and construction of a 4 bedroom dwelling house

Proposed cost of development	\$125,000	\$500,000
Levy rate	0.5%	1%
Section 7.12 Contribution Levy payable	\$625	\$5,000

4 Paying the levy

4.1 When is the levy payable?

The payment of contributions imposed under this plan is to be made in accordance with the relevant application. The timing for when a levy is payable is displayed in **Table 3** below.

Table 3. Timing of payment

Development type	Timing
Subdivision	Prior to the release of the subdivision certificate
Development (other than subdivision) where a CC is required	Prior to the release of the construction certificate
Works required under CDC	Prior to commencement of any work authorised by the certificate

4.2 Adjustments to the levy

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 is not eroded by inflation.

4.2.1 Provision of updated development cost

When a section 7.12 levy is required to be imposed under this Plan, the DA or CDC application must be accompanied by a cost estimate dependant on the development cost listed below:

- Under \$3 million – the cost summary report provided in **Section 11** will need to be complete;
- Over \$3 million – an independent quantity surveyors report as provided in **Section 12**.

4.2.2 Indexation of development cost

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.

$$\text{Indexed Estimate Development Cost} = \frac{\text{Development cost} \times \text{Current CPI period}}{\text{Base CPI period}}$$

Development Cost	As determined in accordance with Section 3.2
Current CPI period	CPI for the quarter ending immediately prior to the request for a contributions invoice for payment.
Base CPI period	CPI for the quarter ending immediately prior to the date of the determination of the development consent

A worked example of indexing the contribution levy for 'Example 2' referenced in **Section 3.3** is as follows:

Table 4. Example of indexation of development cost

Development cost	\$500,000
Base indexation (Indexation at time of consent)	116.8 (September 2020)
Indexation at payment	140.9 (March 2025)
Revised development cost	$\$500,00 \times (140.9 / 116.8) = \textbf{\$603,167.8}$
Section 7.12 levy	1%
Revised Section 7.12 Contribution Levy payable	\$6,031.68

4.3 Can a levy be deferred or periodic payments be made?

Deferred or periodic payments may be permitted in the following circumstances:

- The deferred or periodic payment of the contribution will not, in the opinion of the Council, prejudice the timing or the manner of the provision of public facilities included in the works program; and
- Other circumstances considered reasonable by the Council.

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 to be issued against, and if applicable, the respective stage.
- Council may call up the guarantee at any time 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.

4.4 Obligation for Accredited Certifier

This plan requires that development identified in **Section 2.5** approved through a Complying Development Certificate is subject to the payment of a Section 7.12 contributions levy. As such, the Accredited Certifier must, if a complying development certificate is issued, impose a condition requiring a levy.

5 Other administrative matters

5.1 Relationship to other Contribution Plans

5.1.1 Section 7.11 Contributions Plan

The consent authority cannot impose conditions under both Section 7.11 and 7.12 Contribution Plans on the same development consent.

The Plan does not affect development consents applying to land in the Wingecarribee Shire LGA containing conditions requiring contributions or levies under other Section 7.11 Contribution

Plans. Development not covered by those Section 7.11 Contribution Plan will revert back to this Plan.

5.1.2 Section 7.12 Contributions Plan

This Plan repeals the existing Section 7.12 Contributions Plan adopted by Council on 12 May 2010 and as amended on 12 August 2015.

5.1.3 Section 64 Development Servicing Plans

This Plan does not exclude the application of the Development Servicing Plans (DSPs) for Water, Sewer & Stormwater as required under Section 64 of the *Local Government Act 1993* and Sections 305 to 307 of the *Water Management Act 2000*.

5.1.4 Planning Agreements

Council may enter into a Planning Agreement in line with Section 7.4 of the EP&A Act with an applicant as an alternative and/or in addition to imposing a condition authorised by this Plan.

Further information that set out the purpose, scope and objectives for the preparation of Planning Agreements are contained in the [Planning Agreements policy](#) adopted by Council in December 2024 (and amended from time to time).

5.2 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

5.3 Pooling of contributions

This Plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this Plan and any other contributions plans approved by the Council to be pooled and applied progressively for those purposes.

All funds under the repealed contributions plan will be applied towards the public purposes funded by this plan.

5.4 Review of contributions plan

In accordance with clause 215 of the EP&A Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the indexes adopted by this Plan.

Council intends to otherwise review its contribution plans at least every five years with any material amendments to be made to the development yield, proposed infrastructure items or their cost of provision, to be subject to Plan amendment and public exhibition.

6 Document Control

6.1 Version Control

Version	Adoption Date	Notes
1	18 June 2025	Amendments made to thresholds of estimated development cost on Pages 8 & 9 and wording on page 13 to align with the Wingecarribee Local Housing Strategy.

6.2 Superseded Documents

Document Title	Adoption Date	Notes
Section 94A Contributions Plan	1 July 2010	The plan is being repealed and replaced by this plan.
Section 94A Contributions Plan – Revision 1	12 August 2015	The plan is being repealed and replaced by this plan.

8 Local infrastructure demand

8.1 Expected population growth

With the expected residential growth and sporadic non-residential growth that has and is currently occurring in Wingecarribee, there is a need being generated for the provision of additional or improved services and infrastructure to meet the additional demand. As such, Section 7.12 contributions are an appropriate mechanism to accommodate for the demand.

Table 5 – Expected residential and non-residential growth

Residential growth		Non-residential growth
<ul style="list-style-type: none"> The 2021 Australian Bureau of Statistics (ABS) Census identified that Wingecarribee had a total population of 52,489 people. Over the next 20 years, the Department of Planning, Housing and Infrastructure (DPHI) expects that the population will grow by an additional 11,509 people to 63,998. This equates to an average growth rate of 1% per year. It is anticipated that most of the growth is expected to be concentrated in the following New Residential Living Areas as identified in the Wingecarribee Local Housing Strategy below or on brownfield sites across the LGA. 		<ul style="list-style-type: none"> Non-residential growth is concentrated around economic centres in the Shire as it is dependent on broader industry and market changes, as well as availability of appropriately zoned, well-located land and adequate provision of infrastructure. This pattern is demonstrated in the data displayed in the value of <u>non-residential development building approvals</u> issued by Profile ID over the last 5 years. In addition to this, the 2021 ABS census also highlighted that 70.2% of workers residing in the LGA work in the area. Given that a substantial number of workers residing in the LGA work in the area and the identified increase in population, it is likely that non-residential growth will continue to occur at a steady rate like that over the last 5 years.
New Residential Living Areas	Anticipated dwellings	
Moss Vale (Chelsea Gardens Coomungie and Surrounds)	1,300	
Bowral (South)	1,100	
Moss Vale (West)	100	
Mittagong (East)	40	
Colo Vale (Wensley Dale)	500	

Wingecarribee provides regular updates on its demographic information displayed in the table above that can be accessed through the following [link](#).

9 Work Schedule

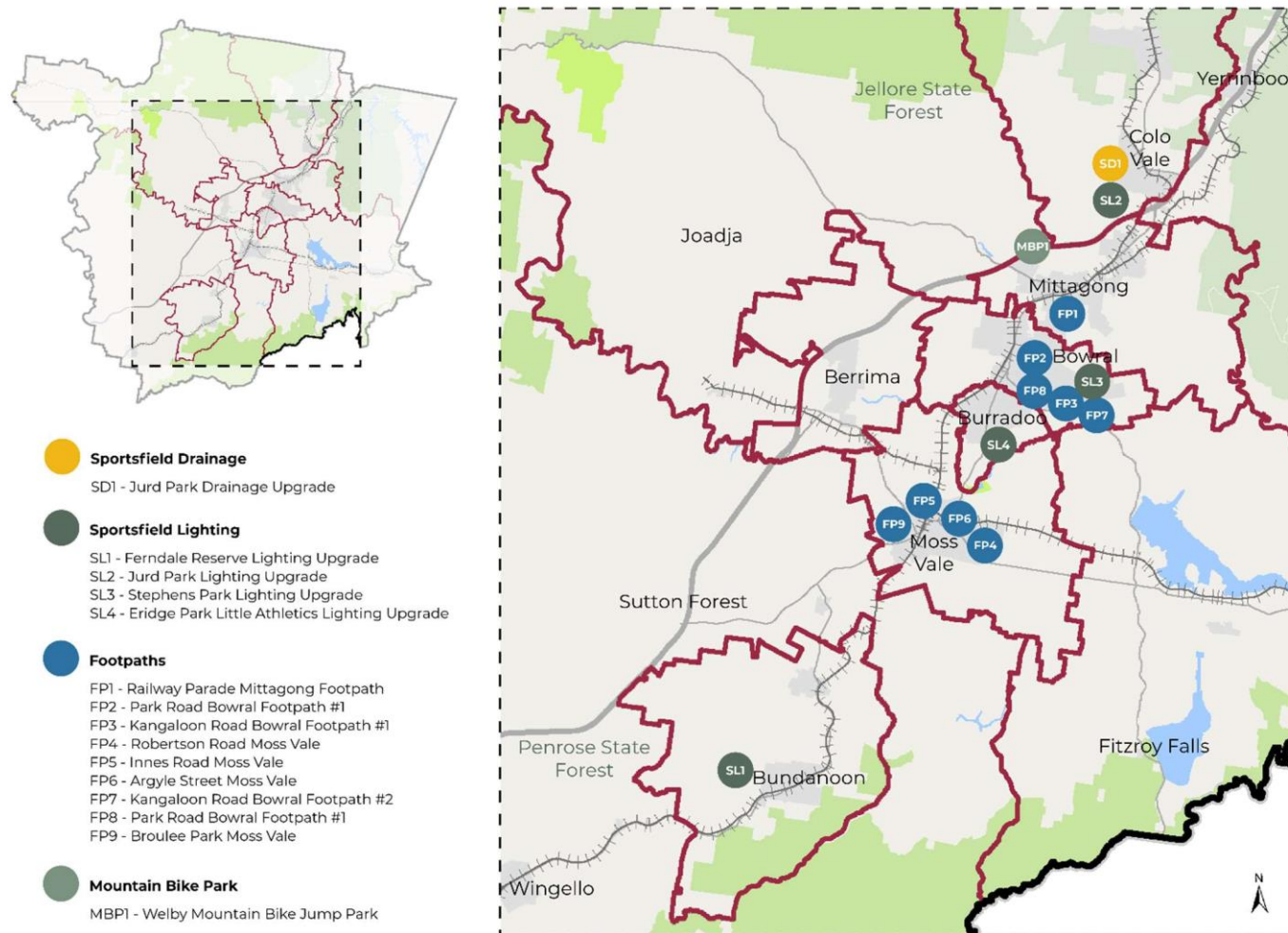
The proposed items that the Section 7.12 levy is collected towards is displayed in **Table 6** below.

Table 6. Works Schedule

Item reference	Proposed works	Location	Amount	Priority
Sportsfield Drainage				
SD1	Jurd Park Drainage Upgrade - Sub-soil drainage of two sportsfields at Jurd Park	Colo Vale	\$600,000	2025/26
Sportsfield Lighting				
SL1	Ferndale Reserve Lighting Upgrade – Installation of sportsfield lighting for Field 1 of Fernsdales Reserve	Bundanoon	\$250,000	2025/26
SL2	Sportsfield lighting at Jurd Park whilst still retaining multi-use functionality (ie can operate as 2x rectangle fields or 1x oval)	Colo Vale	\$600,00	2026/27
SL3	Stephens Park Lighting Upgrade – Installation of sportsfield lighting for Field 2 of Stephens Park	Bowral	\$400,000	2026/27
SL4	Eridge Park Little Athletics Lighting Upgrade - Installation of sportsfield lighting for Little Athletics field at Eridge Park	Burradoo	\$400,000	2030/31
Footpaths				
FP1	Railway Parade Mittagong Footpath - New footpath along southern side of Railway Pde Mittagong from Oxley Dr to Bessemer St	Mittagong	\$100,000	2027/28
FP2	Park Road Bowral Footpath #1 - Missing section north side of Park Rd from Sheffield Rd to raised pedestrian crossing	Bowral	\$100,000	2029/30
FP3	Kangaloon Road Bowral Footpath #1 - Missing sections of footpath on eastern side of Kangaloon Rd from Martha St to Braeside Dr	Bowral	\$250,000	2031/32
FP4	Robertson Road Moss Vale - Missing section of footpath on northern side of Robertson Rd from Moss Vale Showground to James St	Moss Vale	\$50,000	2031/32
FP5	Innes Road Moss Vale - New footpath full length of Innes Road	Moss Vale	\$250,000	2032/33
FP6	Argyle Street Moss Vale - New pathway on eastern side of Argyle St from Laconia Cres to Kings Rd	Moss Vale	\$200,000	2033/34
FP7	Kangaloon Road Bowral Footpath #2 - New footpath on eastern side of Kangaloon Rd from Braeside Drive to Southern Highlands Botanical Gardens	Bowral	\$250,000	2033/34

FP8	Park Road Bowral Footpath #1 - New footpath on northern side of Park Rd from Gordon Rd to Stephens Park	Bowral	\$200,000	2034/35
FP9	Broulee Park Moss Vale - Missing sections within the existing route of Broulee Park, Mann Cres, Yarrawa St, Argyle St and Willow Drive	Moss Vale	\$100,000	2034/35
Mountain Bike Park				
MBP1	Welby Mountain Bike Jump Park - Construction of mountain bike jump park atop the remediated Welby Tip	Welby	\$600,000	2028/29
Total			\$4,000,000	

10 Works map



11 Cost Summary table

For use when the proposed cost of development is under \$3 million in line with the Department issued [Practice Note](#).

Table 7. Cost Summary table

Element	Cost (excluding GST)
Demolition, excavation, and site preparation Includes clearing vegetation, demolition, excavation and remediation, as well as disposal of any material.	\$
Substructure, columns, external walls and upper floors Substructure is the structurally sound and watertight base upon which to build. Substructure includes all work up to but excluding the lowest floor finish. Columns include internal and external columns from tops to bases, column casings and all protective non-decorative coatings. External walls include structural walls, basement walls, glazed screen walls, any balcony walls and balustrades. Upper floors are the floor structures above the lowest level.	\$
Staircases Structural connections between two or more floor levels or to roof, plant rooms and motor rooms together with associated finishes	\$
Roofs The structurally sound and watertight covering over the building	\$
Windows, internal walls, doors and screens	\$
Fitments Finishes and decoration applied to internal and external surfaces such as walls, flows and ceilings (e.g., painting, cladding, rendering, carpeting, etc).	\$
Special equipment Special equipment is fixed equipment that is necessary to the use for which consent is sought.	\$
Building services Internal and external services necessary for the functioning of the building and property (e.g., stormwater, gas supply, electrical systems, mechanical ventilation, lifts, etc).	\$
External works Works external to the building other than external building services (e.g., soft landscaping, footpaths, decks, retaining walls, etc).	\$
Professional fees Works external to the building other than external building services (e.g., soft landscaping, footpaths, decks, retaining walls, etc).	\$
Estimated development cost (The sum of the above cost elements, exclusive of GST*)	\$
GST	\$
Estimated development cost plus GST	\$

*Estimated development cost excludes GST, pursuant to Section 6 of the *Environmental Planning and Assessment Regulation 2021*

12 Quantity Surveyors Report

Where the proposed development cost exceeds \$2,000,000, it is recommended that the table in Section 13 is used. However, in conjunction with preparation of that table, it will need to be supported by an independent quantity surveyors report.