

Building Practice Note BP-08: Building permits and Community Infrastructure Levies

This Practice Note provides guidance for building surveyors on the requirements of section 24(5) of the Building Act 1993 (the Act).

The context below provide guidance for:

- Understanding development contributions plans
- Determine if a community infrastructure levy has been paid



For guidance with additional requirements under section 24 of the Building Act 1993, refer to BP-06: Building permit and planning permit consistency.

Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993 and or Building Regulations 2018.

- **Act** – Building Act 1993
- **DCP** – Development Contributions Plan
- **RBS** – Relevant Building Surveyor
- **Regulations** – Building Regulations 2018

Understanding development contributions plans

A development contributions plan (DCP) is a mechanism used to levy new developments for contributions to planned infrastructure needed by the future community. A DCP is developed by a planning authority, which is generally the relevant council. The Planning and Environment Act 1987 distinguishes between two types of infrastructure which can be levied and collected through a DCP, as described below.

Development infrastructure levy

This levy is for roads, drainage, land acquisition and essential family and children's facilities. These are generally collected from the developer or subdivider at the planning permit stage.



Community infrastructure levy

Community infrastructure levies are financial contributions made by landowners towards locally provided infrastructure ie community centres and recreational facilities required to meet the future needs of the community. This levy can only be collected at the time of a building permit application.

Section 24(5) of the Act requires that the RBS must not issue a building permit unless they are satisfied that if a community infrastructure levy is payable, it has either been paid, or an agreement has been entered into with the relevant council to pay the levy at a later stage, prior to issuing of a building permit.

Check the planning scheme

DCPs identify areas subject to community infrastructure levies and the amount payable for development of the land. An approved DCP forms part of a planning scheme and is usually represented as a development contributions plan overlay within the council planning scheme.

Whether a community infrastructure levy is payable or not will depend on the provisions of the planning scheme and whether a DCP overlay affects the land.

Submit an enquiry

The RBS may submit an enquiry to the relevant council requesting advice on whether a community infrastructure levy is payable for the proposed building work, and if so, what the cost is.

To assist council to provide accurate information, an enquiry needs to contain enough information to identify both the property and the nature of the proposed building work. Information request form, should include the questions provided in Table 1-Questions for information request.

Item	Questions	Answer (Yes / No)	
a.	Is a community infrastructure levy payable for the proposed building work/use?		
b.	If yes to item a), note the amount payable.	\$	
c.	Is a community infrastructure levy payable, has it been paid, or has an agreement to pay been made?		
d.	If yes, to item c), note the receipt or agreement number.	Rec.No.	

Table 1: Questions for information request

Consult relevant responsible authority

A council planning officer familiar with the planning scheme should be able to confirm whether a community infrastructure levy is payable. It is the responsibility of the RBS to provide the officer with enough information to identify the property and the nature and extent of the proposed building work.

In relaying on such advice, it is important to note:

- the officer's name and position;
- date when advice was given; and
- details on advice given, including any conditions.

Obtain independent professional advice

The RBS can seek advice from a person qualified and experienced in reading planning schemes; for example, a solicitor with experience in planning matters, a planning consultant, or another building surveyor with appropriate qualifications and experience.

Determine if a community infrastructure levy has been paid

If a community infrastructure levy is payable in respect of proposed building work, the RBS needs to ensure that the levy has either been paid, or an agreement has been made with the relevant council to pay the levy at a later stage.



In determining whether the levy has been paid or an agreement entered, the RBS should obtain copies of the following:

- a receipt issued by the relevant council for payment of the community infrastructure levy; or
- a properly executed agreement between the landowner and the relevant council to pay the community infrastructure levy, at a later stage, in respect of the proposed building work.

The building surveyor will also need to:

- check the amount specified in the receipt, or in the agreement; and
- confirm the amount specified in the receipt or agreement equals the amount specified in the planning scheme.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- Planning and Environment Act 1987

List of Amendments

- Update format to new VBA style guide.
- Minor amendments to improve readability

Version History

- Version 3.0, published 24 June 2022
- Version 2.0, published 28 June 2021, supersedes Practice Note 54: Building Permits and Community Infrastructure Levies

Contact Us

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

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