

**Section 94 Development
Contributions Plan**

**Bathurst Regional Community
Facilities**

AMENDMENT 1

Adopted: 17 September 2014
Effective Date: 19 November 2014

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Part A: Summary Schedules

Schedule 1 Schedule of works

Project Number	Description	Total Cost	Population applied to	Cost per person	Cost for the plan	Other contribution (i.e. Council or grant funding)	Completion rate
1	Community buildings	\$7,500,000	51,500	\$145.63	\$1,674,757	\$5,825,243	Not commenced
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68	\$3,572,816	\$12,427,184	Not commenced
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96	\$781,553	\$2,718,447	Not commenced
5	Community arts centre	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
6	Museum development and expansion	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
8	Archives collection repository	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
9	Music conservatorium	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
10	Botanic gardens	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
11	Local recreation equipment	\$1,400,000	11,500	\$121.74	\$1,400,000	\$0	Not commenced
12	Bus shelters	\$500,000	11,500	\$43.48	\$500,000	\$0	Not commenced
13	Public Carparking	\$3,112,580	11,500	\$270.66	\$3,112,580	\$0	Not Commenced
	Totals	\$97,012,580		\$2,222.29	\$25,556,269	\$71,456,311	

Part B: Administration and operation of the plan

1.0 Administration

1.1 Name of the Plan

This development contributions plan is called the “Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities”.

The plan will be reviewed as required and any amendments will be recorded in the following table:

Plan Title	Amendments	Adoption Date	Version Number
Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities	New Plan	19 November 2014	0
Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities	Insertion of Section 1.16, 4.5 & 5.1 relating to the Plan Management and Administration.	14 December 2016	2

1.2 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. The Plan was adopted by Council at its meeting held 17 September 2014 and takes effect from the date on which the Bathurst Regional Local Environmental Plan 2014 is gazetted, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 19 November 2014.

1.3 Land to which the plan applies

The Plan applies to all subdivisions that create an additional lot upon which a dwelling may lawfully be erected in zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscapes, RU4 Primary Production Small Lots, RU5 Village, E4 Environmental Living and any new residential development type in any zone to which the Bathurst Regional Local Environmental Plan 2014 applies as outlined in Section 1.6 of this Plan.

1.4 Purpose of the Plan

This Contributions Plan outlines Council's policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of local community facilities infrastructure to service the

Bathurst region that will be required as a consequence of development in the LGA or that has been provided in anticipation of or to facilitate such development.

Section 94 of the Act permits Council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated through their developments.

Other purposes of this Plan are to:

- (i) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions for community facilities on an equitable basis throughout the Region;
- (ii) Provide a comprehensive works schedule for the provision of community facilities, including the extension or embellishment of existing community facilities as well as those which have been completed and those which are likely to be required by the anticipated population;
- (iii) Ensure an appropriate provision and distribution of community facilities throughout the area to meet the increased demand for community facilities generated by development commensurate with the needs of that population and general community expectations;
- (iv) Enable the Council to recoup the cost of providing community facilities which have been provided in anticipation of development where such development will benefit from the provision of those community facilities;
- (v) Ensure that the existing community is not burdened by the provision of community facilities required as a result of future development.
- (vi) Provide a comprehensive works schedule for the provision of public car parking that reflects the true cost of providing car parking facilities within the Bathurst CBD to maintain the current level of vacant car parking spaces.

1.5 Relationship to Other Plans and Policies

The Plan should be read in conjunction with the Bathurst Regional Local Environmental Plan 2014, as amended and the Bathurst Regional Development Control Plan 2014, as amended.

All contributions collected under previous version(s) of this Plan are to be pooled and used for the purposes outlined in this Plan.

1.6 When Contributions are to be paid

Council will impose conditions of consent requiring payment of contributions:

- a) In the case of subdivision where future additional dwellings are permissible with consent – prior to the release of the final linen plan, or a linen plan for any development stage.
- b) In the case of dual occupancy, secondary dwelling (granny flat), medium density housing, residential units, second rural dwelling, shop top housing or rural workers dwelling, but not including alterations and additions to an existing dwelling house - prior to the release of a Construction Certificate.
- c) In the case of land zoned RU1 Primary Production, RU2 Rural Landscapes, RU4 Primary Production Small Lots, RU5 Village or E4 Environmental Living for the purpose of a dwelling where a dwelling is permissible pursuant to the Bathurst Regional Local Environmental Plan 2014, as amended - prior to the release of a Construction Certificate.

Note: Where a developer contribution has been made for a residential lot under the Bathurst Community Facilities & Services Developer Contribution Plan (repealed), a credit will be given equivalent to 1 x residential allotment.

1.7 Construction Certificates and Complying Development Certificates and the Obligations of Accredited Certifiers

Construction certificates

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a **construction certificate** for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation 2000. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

Complying Development Certificates

In accordance with Section 94EC(1) of the Environmental Planning and Assessment Act accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan for applicable development types.

The condition imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

1.8 Council's Policy on periodic payments

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis adjusted to the applicable rate, in accordance with Section 1.11 of this Plan.

1.9 Council's Policy on the acceptance of material public benefits (including works in kind)

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) or through the dedication of land identified in this Plan in lieu of all or part of a monetary contribution required under this plan.

An offer to provide WIK or land dedication is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What WIK or land dedication is proposed;
- The value of the WIK or land dedication proposed;
- The timing of the provision of the WIK or land dedication; and
- What monetary contributions it is proposed to offset.

Council is under no obligation of accept the WIK or land dedication, however may consider doing so in the following circumstances:

- where the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- where the standard of the works is to Council's full satisfaction.

1.10 Council's acceptance of Works in Kind (WIK) for the provision of ground level or multi level car park facilities and enhancement of public car parks in the Bathurst CBD

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) in lieu of all or part of a cash contribution required under this plan.

An offer to provide WIK is to be made in writing to Council and should clearly state:

- What WIK is proposed (ie the number of car parking spaces proposed to be provided in addition to the applicable DCP standard);
- What cash contributions it is proposed to offset.

Council is under no obligation to accept the provision of additional car parking spaces in lieu of a monetary contribution.

Council is under no obligation of accept the WIK, however may consider doing so in the following circumstances:

- where the applicant proposes 20 or more spaces in addition to the applicable DCP rate and an easement and/or covenant is entered into benefiting Bathurst Regional Council for the additional spaces;
- the additional car parking spaces will be located in a carpark associated with a major development and an easement and/or covenant is entered into benefiting Bathurst Regional Council for the additional spaces;
- where the standard of the works is to Council's satisfaction.

1.11 Review of Contribution Rates

The contribution rates will be indexed annually in accordance with the Consumer Price Index (CPI) or equivalent relevant indices.

The contributions stated in a development consent are calculated on the basis of the Section 94 contribution rates calculated in accordance with this Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment and adjusted by the Consumer Price Index as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

The contribution rate will also be reviewed after the publication of each subsequent census in relation to the ABS census result for average persons per dwelling.

The contribution rates for the current financial year are published by Council in its annual Management Plan and are available from Council offices.

1.12 Exemptions

Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

1.13 Planning Agreements

Council may in certain circumstances accept an offer by the applicant to negotiate a planning agreement for developments in accordance with s93F of the EP&A Act in lieu of all or part of a cash contribution required under this plan.

An offer to negotiate a planning agreement is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What works or facilities are proposed;
- The value of the works or facilities proposed;
- The timing of the provision of the works or facilities; and
- What cash contributions it is proposed to offset.

Council is under no obligation to accept a planning agreement.

1.14 Pooling of Contributions

This plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

1.15 Savings and Transitional Arrangements

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

1.16 ADMINISTRATION OF THE PLAN

1.16.1 MANAGEMENT COSTS OF THE PLAN

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly, costs associated with the ongoing administration and management of the contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the contributions schedule and the method of calculation is described in Section 5A.2 of this Plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the agreement and supervision work undertaken.

NSW Planning and Environment released a revised Local Development Contributions Practice Note - for the assessment of Local Contributions Plans by IPART, February 2014 (pp 9-10).

Section 3.4.2.3 of the Practice Note identifies that:

Plan administration costs may include:

- background studies, concept plans and cost estimates that are required to prepare the plan, and/or
- project management costs for preparing and implementing the plan (e.g., the employment of someone to co-ordinate the plan).

Note: Plan administration costs include only those costs that relate directly and solely to the preparation and implementation of the Section 94 Plan and do not include costs that would otherwise be considered part of Council's key responsibilities such as core strategic planning responsibilities.

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 Urban Characteristics

2.1 Area

Bathurst Regional Local Government Area (LGA) covers an area of approximately 3,821 square kilometres and is located in the Central West region of New South Wales.

2.2 Population

The table below represents the estimated populations for the Bathurst Regional LGA and indicates the average people per dwelling, based on the 2011 Census. (ABS, 2012)

	Existing number of dwellings	Estimated current population (2011 census)	Average people per dwelling
Bathurst Regional Local Government Area	15,835	38,519	2.5

(ABS, 2012)

2.3 Meeting Needs of the population

It is estimated that the incoming population will be primarily distributed in the existing and future residential release areas of the City, with some distribution to the rural villages and rural areas of the LGA. The additional population will create increased demand for a range of community facilities and administration of this section 94 Plan.

Council's modelling has indicated that over the life of this Plan, the overall population forecast within the Bathurst Regional LGA will be increased as identified in the table below:

	Forecast Years					Change between 2011 & 2031	
	2011	2016	2021	2026	2031	Number	Average annual change (%)
Bathurst Regional Local Government Area	39,915	42,561	45,413	48,434	51,482	11,567	1.12

(.id.com.au, 2011)

Council acknowledges that there is a difference between the 2011 Census population and the forecast population. This is attributable to statistical errors, assumptions made and the accuracy of the base year data. Notwithstanding the differences in

the 2011 data, the outcome that population of the Bathurst Region will increase over the next 20 years still remains.

2.4 Retail floor area

The Bathurst CBD & Bulky Goods Development Strategy 2011 identified that Bathurst could support a further 11,000m² Gross Leasable Area (GLA) (retail) and 6,140m² GLA (office) within the Bathurst CBD up to the year 2025. The additional floor space will create an additional demand for car parking. The Bathurst CBD Car Parking Strategy 2013 identifies that to support the retail floor space within the Bathurst CBD an additional **190** car parking spaces will need to be provided (92 restricted and 98 unrestricted) to maintain the current level of service (i.e. to maintain the current vacancy level).

The CBD Car Parking Strategy identified that the **92** restricted car parking spaces should be associated with a future shopping centre located at the George Street (RSL) carpark with the balance of **98** spaces to be provided at existing or new public carparks. This is in addition to the car parking spaces required to be provided as part of any new development in accordance with the relevant DCP rate.

3.0 Plan Objectives

The community facilities identified within this Plan are required to service the new population within the LGA.

This Plan identifies:

- the demand for the facilities likely to be required as a result of new development and re-development in the subject area;
- provide a mechanism whereby Council can levy monetary contributions to fund the additional car parking spaces in the Bathurst CBD Car Parking Strategy to meet future floor space demands at the current level of service;
- the community facilities which will be required to meet those demands (for which development contributions could reasonably be charged); and
- the reasonable contribution which should be levied on new development to meet those demands.

Contributions are rounded to the nearest dollar. Note that the range of community facilities which will be required have also been identified through the Bathurst 2036 Community Strategic Plan (20 February 2013).

This Plan supports the following objectives of the Bathurst 2036 Community Strategic Plan:

Objective No.	Description
6	To support infrastructure development necessary to enhance Bathurst's lifestyle and industry development.
7	To support Integrated Transport Infrastructure Development.
24	To provide and support the provision of accessible, affordable and well planned transport systems.
28	To plan for the growth of the region and the protection of the

	region's environmental, economic, social and cultural assets.
29	To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels.

Council staff have also identified other projects which have been raised by the Community over a number of years, and they have been included in the Plan.

3.1 Nexus

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a community facility that is caused by the development.

There are three aspects to nexus:

- Causal nexus – (what) demonstrates that proposed development will or is likely to create an additional demand for recreation and community facilities within the Bathurst Region;
- Spatial or physical nexus – (where) demonstrates the recreation and community facilities are to be provided within reasonable proximity to the contributing development to cater for the needs of those that created the demand for it;
- Temporal nexus – (when) demonstrates that recreation and community facilities may be provided within a reasonable timeframe.

The growth expected in the LGA is going to result in a considerable increase in the population using existing community facilities, and also in the need to construct new facilities to accommodate anticipated increased population.

3.2 Apportionment

Apportionment is the “fairness” principle. It means that new development only pays the full cost of a facility if it can be shown that it exclusively causes the increased demand. Where the facility proposed will benefit both the existing and new population, the cost of provision of that facility is apportioned between the existing development being the Council's contribution, and new development.

3.3 Reasonableness

Reasonableness embraces the concept of fairness and equity. Legal precedent from case law decisions in NSW has established that Section 94 contributions must:

- relate to a clear planning purpose;
- relate to the subject development, which must derive some benefit from open space, recreation and community facilities provided; and
- be reasonable such that a planning authority can properly impose it.
- be used to provide facilities in a reasonable timeframe taking into account the nature of the development and the type of facility.

Section 94 (2) (b) of the Act contains principles of reasonableness. Imposing excessive or unreasonable contribution rates could adversely affect housing affordability and economic viability of projects. In such cases it is important to balance these factors to meet the needs of existing and future residents of the Bathurst Region.

3.4 Accountability

The Council needs to be able to demonstrate that it is accountable for all contributions made under the provisions of section 94 and be transparent in the allocation of those funds in accordance with the Schedule of Works identified in this plan. Development and subsequent population growth rates will be monitored to ensure that the Plan remains relevant and delivery of services and facilities occurs in accordance with the Plan.

3.5 Population Increase

Recently the Bathurst Regional LGA has experienced, on average, an annual population growth of approximately 1%. As outlined in Section 2.3 above, the population of the Bathurst Region is expected to reach approximately 51,500 by 2031.

3.6 Meeting Needs of the Population

The incoming population will be primarily distributed:

- 1) on the fringe of the village of Eglinton with some penetration within the existing village
- 2) within the newer suburban areas of Kelso, Llanarth and Windradyne
- 3) as infill development in the older areas of the city of Bathurst
- 4) as infill development in the other urban and rural villages and
- 5) scattered development throughout the rural areas.

3.7 Bathurst CBD and Bulky Goods Business Development Strategy 2011

The Bathurst CBD and Bulky Goods Business Development Strategy identifies an additional 11,000m² GLA in the CBD to satisfy core retail floorspace requirements in the CBD to 2025 (refer Section 7.4, page 233, Bathurst CBD & Bulky Goods Business Development Strategy 2011). This will provide for:

- the new IGA Supermarket in Rankin Street;
- the proposed redevelopment of the ANZ Bank site along Pedrottas Lane;
- a new regional level shopping centre on the George Street (RSL) car park incorporating a medium sized discount department store and specialty stores; and
- a small supermarket in Keppel Street.

The Strategy also estimates the requirement for additional office floor space for the City by 2036 to be between 6140m² and 10,510m² GLA (Table 5.13, page 179, Bathurst CBD & Bulky Goods Business Development Strategy 2011). For the purposes of this Plan, the GLA of 6140m² has been used, recognising that not all of the office floorspace will be located within the Bathurst CBD.

3.8 Bathurst CBD Car Parking Strategy 2013

The Bathurst CBD Car Parking Strategy 2013 was prepared to examine the current supply of, and future demand for, car parking in the Bathurst Central Business District (CBD).

The Strategy was prepared using the following data sources;

- A survey of the nine primary off-street public car parks approximately once a month over a twelve month period (2009/2010);
- A survey of on-street car parks approximately once a month over a twelve month period (2009/2010);
- Council's Engineering Services Department register of on-street car park configuration and time restriction designation;
- The *Bathurst CBD & Bulky Goods Business Development Strategy 2011*;
- The findings and recommendations of the *Bathurst CBD Car Parking Strategy 2001*.

The car park surveys for the Strategy were undertaken in 2009 and throughout 2010. Preparation of the Strategy was delayed until 2011/2012 pending the completion of the Bathurst CBD & Bulky Goods Business Development Strategy.

Additional surveys were undertaken in 2012 to ensure earlier recorded data remained valid. Updated data was included in the Strategy for Rankin Street (between Durham and Howick Streets), in Russell Street (between George and Rankin Streets) and the Rankin Street/IGA car park where land use change had occurred since 2009/2010 and where the earlier results were no longer valid.

The strategy identified the need for the provision of additional car parking spaces to be provided in the Bathurst CBD to satisfy future floor space demands beyond the current rate of provision required by the DCP to maintain the current level of service (ie to maintain the current vacancy level). Council has not increased the DCP rate of provision so additional spaces will need to be funded under this Plan.

4.0 Community facilities projects

4.1 Community facilities projects - Projects 1 to 10 of Schedule 1

This section applies to the construction of projects numbered 1 to 10 in schedule 1.

4.1.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for community facilities. The construction of community facilities and buildings will meet the demands of the growing population.

Physical Nexus

The Bathurst Region has a growing population and its community has requested that Council provide a number of community facilities to serve the community. Projects 1 to 10 include facilities which service the whole community as opposed to the new

population only. As a result, the cost of providing the community facilities is attributable to the entire population of Bathurst.

Therefore, it is justified that both the existing and new residents contribute towards the costs of additional community facilities.

Temporal Nexus

Due to the scale of the projects to be completed, it is expected that the timing of the works will be ad-hoc. The timetable for the completion of the works is subject to change and is dependent on the rate of subdivision of land.

4.1.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

Community facilities projects - Projects 1 to 10

$$C_{pax1} = \frac{TC}{POP_f}$$
$$C_{pax1} = \frac{\$92,000,000}{51,500}$$
$$C_{pax1} = \$1,786.40$$

C_{pax1} = the contribution rate per person

TC = the estimated total cost to Bathurst Regional Council (less any grants or reserves monies)

POP_f = the total estimated population of the Bathurst Region in 2031 (ie 51,500 people)

4.2 Community facilities projects - Projects 11 and 12 of Schedule 1

This section applies to the construction of projects numbered 11 and 12 in schedule 1.

4.2.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for community facilities. The construction of new local recreation equipment and bus shelters will meet the demands of the growing population.

Physical Nexus

The existing local recreation equipment and bus shelters are adequate for the existing population of Bathurst. Additional development within the Region will place additional demand on the existing facilities, requiring additional facilities to be constructed for the new population, therefore meeting the demand. Therefore, it is

justified that only the new residents contribute towards the costs of additional local recreation equipment and bus shelters.

Temporal Nexus

Due to the scale of the projects to be completed, it is expected that the timing of the works will be ad-hoc. The timetable for the completion of the works is subject to change and is dependent on the rate of development of the land.

4.2.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

Community facilities projects - Projects 11 and 12

$$C_{pax2} = \frac{TC}{POP_n}$$
$$C_{pax2} = \frac{\$1,900,000}{11,500}$$
$$C_{pax2} = \$165.22$$

- C_{pax2} = the contribution rate per person
TC = the estimated total cost to Bathurst Regional Council (less any grants or reserves monies)
POP_n = the total estimated new population of the Bathurst Region in 2031 (ie 11,500 people)

4.3 Project 13 - Provision of ground level or multi level car park facilities and enhancement of public carparks in the Bathurst CBD to meet future demand

Continued retail and commercial growth in the Bathurst CBD will increase usage of the existing public car parks and create demand for additional car parking within the Bathurst CBD. The provision of additional car parking spaces has been determined on the continued growth of the retail and office space within the Bathurst CBD, based on the estimated deficit of 190 car parking spaces in addition to the car parking provided in accordance with the relevant DCP rate.

4.3.1 Nexus between Development and Demand

Causal Nexus

The development of additional retail and commercial floor space in the Bathurst CBD will increase demand for car parking in close proximity to the CBD core. Additional car parking will need to be located in the Bathurst CBD, either at existing car park locations as a multi level carpark, or within the CBD as ground level spaces. The contribution rate represents the construction cost of a multi level carpark at an existing location, or the purchase of additional land within the CBD at ground level and the enhancements and preparation of the carpark. This portion of the

contribution will provide for an additional 190 car parking spaces, as was recommended by the Bathurst Car Parking Strategy 2012.

Physical Nexus

Council owns a number of public car parks within and in close proximity to the Bathurst CBD. Some of these existing carparks require further upgrades or land acquisitions to realise their full potential and meet the future demand. To meet the needs of the growing Bathurst CBD, the required works will improve the availability and safety of the carparks. The contribution will be used to either construct a multi-level carpark at an existing car park location. Alternatively, the contribution will provide for the purchase of land and the provision of car parking at a new location, either within, or in close proximity to the Bathurst CBD.

It is justified that only the new residents contribute towards the costs of additional car parking spaces.

Temporal Nexus

The timing of works will be in accordance with the priorities as outlined in the schedule of works. However, the timetable for the completion of the works is subject to change dependent on the rate of development of retail and commercial development in the CBD.

4.3.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

$$C_{pax3} = \frac{Spaces \times ConstCost}{AdditionalPop}$$

$$C_{pax3} = \frac{190 \times \$16,382}{11500}$$

$$C_{pax3} = \$270.66$$

Symbol	Description
C_{space}	the contribution rate per space
Spaces	The estimated additional spaces to be provided based on the recommendations on the Bathurst CBD Car Parking Strategy
ConstCost	the estimated cost of construction works based on Rawlinsons 2012
AdditionalPop	the total estimated additional population expected from growth.

The construction cost is based on the following calculation:

Component	Calculation	Contribution/space
Multi level carpark (Ground + 1 level) (Rawlinsons, 2012)	\$13,200/space	\$13,200
Add fire protection sprinklers (Rawlinsons, 2012)	\$81/m ² 29m ² per space (includes parking and	\$2,349

	circulation space)	
Add hydrants, hose reels etc (Rawlinsons, 2012)	\$10,000/190	\$53
Country loading (Rawlinsons, 2012)	5%	\$780
TOTAL		\$16,382

4.4 Total Contribution required

$$C_{Total} = C_{pax1} + C_{pax2} + C_{pax3}$$

$$C_{Total} = \$1,786.40 + \$165.22 + \$270.66$$

$$C_{Total} = \$2,222.29 /person$$

4.5 PLAN MANAGEMENT AND ADMINISTRATION

NEXUS

Council employs staff to coordinate the implementation of the Plan and associated works, as well as the financial accounting of contributions received. In addition, consultant studies may be commissioned in order to determine design and costing of works and to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering this Section 94 Plan are an integral and essential component of the efficient provision of facilities demanded by development throughout the Bathurst Regional LGA. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 1.0% of all development contributions payable over the life of the Plan is a reasonable contribution towards Plan Management and Administration functions.

CONTRIBUTION CATCHMENT

Plan administration and management is based upon the catchment of the Plan and contributions have therefore been applied on this basis.

FACILITIES STRATEGY

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning, engineering, traffic, legal and valuation specialists) to carry out studies or to assist with the preparation of the Plan.

5.0 Schedule of works

Project Number	Description	Total Cost	Population applied to	Cost per person	Cost for the plan	Other contribution (i.e. Council or grant funding)	Completion rate
1	Community buildings	\$7,500,000	51,500	\$145.63	\$1,674,757	\$5,825,243	Not commenced
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68	\$3,572,816	\$12,427,184	Not commenced
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96	\$781,553	\$2,718,447	Not commenced
5	Community arts centre	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
6	Museum development and expansion	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
8	Archives collection repository	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
9	Music conservatorium	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
10	Botanic gardens	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
11	Local recreation equipment	\$1,400,000	11,500	\$121.74	\$1,400,000	\$0	Not commenced
12	Bus shelters	\$500,000	11,500	\$43.48	\$500,000	\$0	Not commenced
13	Public carparking	\$3,112,580	11,500	\$270.66	\$3,112,580	\$0	Not commenced
14	Plan administration [^]	\$970,125.80	51,500	\$18.84	\$970,125.80	\$0	Not commenced
	Totals	\$97,012,580		\$2,222.28	\$25,556,269	\$71,456,311	

[^] Plan administration is included in the estimated cost of works of projects 1-13.

5.1 Plan administration and management

Studies undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Estimate 1% of all development contributions payable.

At the commencement of the Plan, it is estimated that the maximum contribution from the Plan towards administration and management costs is \$255,562.69.

6.0 Contribution Rate

The table below provides the total cost of works identified within this Plan and the contribution rate per person.

Project Number	Description	Total Cost	Population applied to	Cost per person
1	Community buildings	\$7,500,000	51,500	\$145.63
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96
5	Community arts centre	\$5,000,000	51,500	\$97.09
6	Museum development and expansion	\$10,000,000	51,500	\$194.17
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26
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9	Music conservatorium	\$5,000,000	51,500	\$97.09
10	Botanic gardens	\$5,000,000	51,500	\$97.09
11	Local recreation equipment	\$1,400,000	11,500	\$121.74

12	Bus shelters	\$500,000	11,500	\$43.48
13	Public carparking	\$3,112,580	11,500	\$270.66
	Totals	\$97,012,580		\$2,222.28 Per person

The table below provides the contribution rate per lot.

Cost Per Lot
\$5,556

Note: The cost per lot = Cost per person x 2.5 (average people per dwelling)

For granny flats, dual occupancies, residential units / multi dwelling housing, rural workers dwellings, rural and rural village dwellings the apportioned rate applies in accordance with the table below.

	1 Bedroom	2 Bedroom	3 Bedroom	4 or more Bedroom
Apportionment of the Lot rate	40%	60%	80%	100%
Cost per dwelling type	\$2,222.40	\$3,333.60	\$4,444.80	\$5,556

The rates in the above tables will be adjusted on 1 July annually in accordance with Section 1.11 of this Plan.

7.0 Definitions

Capital Costs means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

Catchment means a geographic or other defined area to which a contributions plan applies.

Commercial means a building or place used as an office, place of business or other commercial purpose from which an income is derived.

Community Infrastructure means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged persons facilities.

Contributions Plan means a public document prepared by Council pursuant to s94EA of the Environmental Planning and Assessment Act.

Development means:

- The erection of a building on that land
- The carrying out of a work in, on, over or under that land
- The use of that land or of a building or work on that land
- The subdivision of that land.

Developer contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

Material Public Benefit does not include the payment of a monetary contribution or the dedication of land free of cost.

Nexus means the relationship between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Planning agreement means a voluntary agreed referred to in s93F of the Environmental Planning and Assessment Act.

Planning authority means:

- A council, or
- The Minister, or
- The corporation, or
- A development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

Planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.

Planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

Public includes a section of the public.

Public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

Public facilities means public infrastructure, facilities, amenities and services.

Public purpose is defined in s93F(2) of the Environmental Planning and Assessment Act to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in s93C), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Recurrent costs mean any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.

Region means the Bathurst Regional Council Local Government Area.

Thresholds means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for provision of a facility.

Utility service means basic engineering services such as power, water, sewerage and telecommunications.

Works-in-Kind means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan.

8.0 References

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