



**Section 94 Development
Contributions Plan**

Bathurst Regional Open Space

Adopted: 17 September 2014
Effective Date: 19 November 2014

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Part A: Summary Schedules

Schedule 1 Purchase of Open Space

Identifier	Location	Description of works	Area	Rate (\$ / hectare)	Estimated Cost	Completion rate
Bathurst	The open space as marked 'Bathurst 1-5' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 11.59 hectares of open space	Approximately 11.59 hectares	\$35,600	\$412,604	Not commenced
Kelso / Laffing Waters	The open space as marked 'Kelso 1 - 20' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 121.37 hectares of open space	Approximately 121.21 hectares based on recreation value	\$35,600	\$4,316,500	Not commenced
	The open space as marked 'Kelso 21' on the map marked		Approximately 0.16 hectares based on englobal residential	\$425,500	\$68,080	

	“Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.		rates			
Llanarth Windradynne	The open space as marked ‘Llanarth 1 and Windradynne 1 - 5’ on the map marked “Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.	Purchase of approximately 32.61 hectares of open space	Approximately 31.40 hectares based on recreation value	\$35,600	\$1,117,840	Not commenced
	The open space as marked ‘Llanarth 2’ on the map marked “Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.		Approximately 1.21 hectares based on englobo residential rates	\$425,500	\$514,855	Not commenced
Perthville	The open space as marked	Purchase of approximately 1.39	Approximately 1.39	\$35,600	\$49,484	Not commenced

	'Perthville 1' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	hectares of open space	hectares			
Gateway Enterprise Park	The open space as marked 'Gateway Enterprise Park' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 2.83 hectares of open space	Approximately 2.83 hectares	\$35,600	\$100,748	Not commenced

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 Open Space".

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	New Plan	19 November 2014	1.0

– Bathurst Regional Open Space			
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1.2 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environmental 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 land within the Bathurst Region bounded by the heavy black line on the series of maps marked “Section 94 Developer Contributions Plan - Bathurst Regional Open Space” attached to this Plan.

1.4 Purpose of the Plan

This Contribution 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 infrastructure that will be required as a consequence of development in the area 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.

The S.94 contributions contained in this Plan have been determined on the basis of Contribution Catchments. This is the area over which a contribution for a particular item is levied. Within each catchment there is an identifiable list of works, which are scheduled for provision.

Other purposes of this Plan are to:

- (i) Ensure an appropriate provision and distribution of open space throughout the area to meet the increased demand for open space generated by development commensurate with the needs of that population and general community expectations;
- (ii) Enable the Council to recoup the cost of providing open space where such development will benefit from their provision;
- (iii) Ensure that the existing community is not burdened by the provision of open space required as a result of future development.

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.

1.6 When Contributions are to be Paid

Council will impose conditions of consent requiring payment of contributions in the following circumstances:

Development type	Payment required
a dual occupancy, granny flat or medium density residential development	prior to the issue of a Construction Certificate from Council or an accredited certifier.
a subdivision	prior to the release of the final subdivision certificate, or a subdivision certificate for any stage.

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 1979 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 1979 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 1.10 of this Plan.

1.9 Council's Policy on the acceptance of dedication of land in lieu of a contribution under this Plan

Council may accept an offer by the applicant to provide a contribution through the dedication of land identified in this Plan in lieu of all or part of a cash contribution required under this plan.

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

- What land dedication is proposed;
- The value of the land dedication proposed. Note, For the purposes of the dedication of land, the value of the land dedication should be in accordance with the valuation report prepared in July 2011 for Bathurst Regional Council by Ralph Toyer & Associates (with relevant Consumer Price Index (CPI) adjustments);
- The timing of the provision of the land dedication;
- What cash contributions it is proposed to offset.

Council is under no obligation to accept the land dedication.

Subject to the prior agreement of Council, land may be dedicated in lieu of making a contribution (or part thereof) towards the acquisition of land. The land, the subject of the dedication must meet Council's requirements as determined by this plan (eg for the purpose of drainage or open space).

Council will generally only accept a dedication of land in lieu of or as an offset against a cash contribution under this Plan if:

- the land is identified as open space on the map attached to this Plan.
- the land, once dedicated, is able to be used for the purpose for which the contribution was originally sought.
- Council considers the dedication appropriate in the circumstances of the case.
- Council is satisfied with relevant environmental considerations including, without limitation the vegetation cover, soil condition, site contamination and the likelihood of flooding;

- the extent to which any easements (drainage/transmission lines) do not substantially prejudice the intended purpose/enjoyment of the open space.

In some circumstances, where the dedication of land exceeds the contribution due for the provision of this type of land, this excess value may (at the sole discretion of Council) be offset against other development contributions. Written confirmation of this should be sought from Council and cannot be automatically assumed.

The value to be attributed to the land dedicated will be the value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates for Bathurst Regional Council, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI.

1.10 Review of Contribution Rates

The contribution rates will be indexed annually in accordance with the 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 CPI as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

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

1.11 Exemptions

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

1.12 Planning Agreements

Council may seek to negotiate planning agreements for major developments in accordance with s93F of the EP&A Act 1979. Major developments can include the following:

- Major Extractive industry;
- Tourism development with a construction value greater than \$10 million;
- Employment generating development that will employ 100 persons after construction;
- Residential development that creates more than 100 lots, where not covered by this Plan.

1.13 Pooling of Contributions

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

1.14 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.

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 Urban Characteristics

2.1 Area

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

Settlement of the area dates from the early 1800s, with land used mainly for grazing and farming. Some growth took place during the late 1800s. Expansion resumed in the immediate post-war years, with more substantial development from the 1970s.

The suburbs of Bathurst, Kelso, Llanarth, Perthville and Windradyne are suburbs of the Bathurst Region and represent the key residential growth areas of the City.

2.2 Population

The table below outlines the estimated population for the catchment area and indicates the average people per dwelling, based on the 2011 Census. (ABS, 2012)

	Existing population (2011)	Estimated number of additional lots	Estimated population increase	Persons per household
Kelso	7725	2591	6995	2.7
Llanarth / Windradyne	4586	787	2284	2.9
Perthville	818	43	120	2.8
Total	15,238	4,033	11,174	2.83 (average)

2.3 Commercial development

Within the subject area, the Gateway Enterprise Park will also have open space provided adjacent to the Raglan Creek riparian corridor. The site is proposed to contain a number of different commercial uses including a freight transport facility with associated warehousing. The initial subdivision plans illustrate **33** lots. This lot yield has been used as the basis for calculating the contribution rate for this plan.

3.0 Plan Objectives

The open space is required to meet the recreation, access and drainage needs of the new population to full development of the new release areas.

This Plan identifies:

- the demand for open space required as a result of the urban development and re-development in the subject area;
- the open space 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 for the commencement of this Plan.

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.

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 public facility or service that is caused by the development.

There are three aspects to nexus:

- Causal nexus – the proposed development creates a need or increases the demand for a particular public facility or service;
- Spatial or physical nexus – the proposed public facility or service will be located to serve the needs of those who created the demand for it;
- Temporal nexus – the proposed public facility or service will be provided within a reasonable time to benefit those who contributed towards it.

3.2 Apportionment

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

With respect to this Plan, the provision of the additional open space identified in the Plan is apportioned to the additional population only. The additional population will create the additional demand for the open space.

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.
- 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 the 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

As part of the Bathurst Regional Local Environmental Plan 2014, Council included an additional 550 hectares of land to be rezoned for residential purposes. Within that area a total of approximately 187 hectares was identified, and zoned, for open space. The open space will service the needs of the future residents of the Bathurst region. Council's forecast population projections predict that the Bathurst region will have an increased population of approximately 51,000 by 2031. It is therefore important that appropriate open space is provided for the growing region.

3.6 Meeting Needs of the Population

The additional population will create increased demand for open space and administration of this Plan. The different catchments will have open space identified and zoned as local recreation. The open space provided will increase the amenity of the local area and provide for passive recreation of the residents of the local area.

4.0 Purchase of open space

To create an equitable distribution of costs, the purchase of the open space has been divided into catchments which better relate to the residents likely to utilise and benefit from the open space provided.

The catchments and the respective amount of open space included in the plan are outlined in the table below:

Catchment	Expected population increase	Area of open space (ha)
Kelso / Laffing Waters	6995 persons	121.37
Llanarth / Windradyne	2284 persons	32.61
Perthville	120 persons	1.39
Gateway Enterprise Park	33 lots	2.83

4.1 Purchase of open space adjacent to the Macquarie River

The aim is to have a Macquarie River park which runs along the western bank of the Macquarie River from the Evans Bridge (Kelso) to Rankens Bridge (Eglington). Given that the river is centrally located and serves a regional recreation function, the cost should be apportioned to all new residents of Bathurst.

4.1.1 Nexus between Development and Demand

Additional residential development will increase the demand for open space within close proximity to the new residential developments. Given that the river is centrally located and that the parkland along the Macquarie River is serving a regional recreation function, the cost will be apportioned to all of the contribution catchments (ie new residents of Bathurst).

Physical Nexus

Additional residential development within the Bathurst Region will increase demand for regional level open space. Further, Council has progressively acquired land adjacent to the Macquarie River to provide a regional level river parkland within the urban area of Bathurst. Therefore, it is justified that all new residential development in all of the residential contribution catchments contribute towards the costs of purchasing the open space adjacent to the Macquarie River.

Temporal Nexus

The timing for purchasing the open space will only occur as part of an application for subdivision.

4.1.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar at the commencement of this Plan.

$$C_{lot} = \frac{r_{ha} \times OSarea_{ha}}{PopInc/PersDwelling}$$

$$C_{lot} = \frac{\$35,600 \times 11.59}{11,174/2.83}$$

$$C_{lot} = \$105$$

Symbol	Description
C_{lot}	the contribution rate per lot
r_{ha}	the land value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI. At the commencement of this Plan, the value has been indexed to \$3.56.
$OSarea_{ha}$	the area of open space identified in this Plan
$PopInc$	the total estimated population increase based on population forecasts
$PersDwelling$	Average persons per dwelling based on the 2011 Census

4.3 Purchase of open space at Kelso & Laffing Waters

As a result of the expanded Kelso and Laffing Waters residential areas, the purchase of open space surrounding and within the residential area will be required to provide:

- A buffer to surrounding rural lands
- An access corridor around the residential area
- For the recreational demands of new residents.

4.3.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for open space within close proximity to the new residential developments. Also the open space is required to provide a buffer between the expanded residential areas and the surrounding rural lands.

Physical Nexus

The existing open space areas within Kelso and Laffing Waters are adequate for the existing residents. Additional residential development within Kelso and Laffing Waters will increase demand for open space. This Plan and the Bathurst Regional LEP 2014 identifies approximately 121.37 hectares of open space within the residential zoned land at Kelso. Further the need to provide for a buffer to rural lands relates to the new residential development. Therefore, it is justified that all new residential development in the Kelso contribution catchment contribute towards the costs of purchasing the open space.

Temporal Nexus

The timing for purchasing the open space will only occur as part of an application for subdivision.

4.3.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar at the commencement of this Plan.

$$C_{lot} = \left(\frac{r_{ha} \times OSarea_{ha}}{PopInc/PersDwelling} \right) + \left(\frac{ResR_{ha} \times OSarea_{ha}}{PopInc/PersDwelling} \right)$$

$$C_{lot} = \left(\frac{\$35,600 \times 121.21}{6995/2.9} \right) + \left(\frac{\$425,500 \times 0.16}{6995/2.9} \right)$$

$$C_{lot} = (\$1789) + (\$28)$$

$$C_{lot} = \$1817$$

Symbol	Description
C _{lot}	the contribution rate per lot

r_{ha}	the land value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI. At the commencement of this Plan, the value has been indexed to \$3.56.
$ResR_{ha}$	the englobo value of undeveloped residential land
$OSarea_{ha}$	the area of open space identified in this Plan
$PopInc$	the total estimated population increase based on population forecasts
$PersDwelling$	Average persons per dwelling based on the 2011 Census

4.4 Purchase of open space at Llanarth & Windradyne

The amenity of the existing residential zoned land will be improved by providing open space adjacent to the Macquarie River and Sawpit Creek. There has also been other open space provided within the residential areas. The open space will be required to provide:

- A buffer to surrounding rural lands
- An access corridor adjacent to Sawpit Creek and the Macquarie River
- For the recreational demands of new residents.

4.3.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for open space within close proximity to the new residential developments. Also the open space is required to provide a buffer between the residential areas and the surrounding rural lands to the west of Sawpit Creek.

Physical Nexus

The existing open space areas within Abercrombie, Llanarth and Windradyne were considered to be inadequate to meet the needs of the future population. Additional residential development within Abercrombie, Llanarth and Windradyne will increase demand for open space. Further the need to provide for a buffer to rural lands relates to the new residential development. Therefore, it is justified that all new residential development within the Abercrombie, Llanarth and Windradyne contribution catchment contributes towards the costs of purchasing the open space.

Temporal Nexus

The timing for the purchase of the open space will only occur as part of an application for subdivision.

4.3.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar at the commencement of this Plan.

$$C_{lot} = \left(\frac{r_{ha} \times OSarea_{ha}}{PopInc/PersDwelling} \right) + \left(\frac{ResR_{ha} \times OSarea_{ha}}{PopInc/PersDwelling} \right)$$

$$C_{lot} = \left(\frac{\$35,600 \times 31.37}{2284/2.9} \right) + \left(\frac{\$425,500 \times 1.21}{2284/2.9} \right)$$

$$C_{lot} = (\$1419) + (\$654)$$

$$C_{lot} = \$2073$$

Symbol	Description
C_{lot}	the contribution rate per lot
r_{ha}	the land value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI. At the commencement of this Plan, the value has been indexed to \$3.56.
$ResR_{ha}$	the englobo value of undeveloped residential land
$OSarea_{ha}$	the area of open space identified in this Plan
PopInc	the total estimated population increase based on population forecasts
PersDwelling	Average persons per dwelling based on the 2011 Census

4.5 Purchase of open space at Perthville

As a result of the expanding village, purchasing open space surrounding the village of Perthville will be required to provide for the recreational demands of new and existing residents of Perthville.

4.3.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for open space within Perthville. The open space identified is centrally located and will contribute toward the needs of the Perthville residents.

Physical Nexus

The existing open space areas within Perthville is inadequate for the existing village. The land identified has been used for recreation although in private ownership. The residential development within the village will increase demand for open space. Therefore, it is justified that all new residential development in the Perthville contribution catchment contribute towards the costs of purchasing the open space.

Temporal Nexus

The timing for the purchase of the open space is unable to be determined at the commencement of the Plan.

4.3.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar at the commencement of this Plan.

$$C_{lot} = \frac{r_{ha} \times OSarea_{ha}}{PopInc/PersDwelling}$$

$$C_{lot} = \frac{\$35,600 \times 1.39}{120/2.8}$$

$$C_{lot} = \$1155$$

Symbol	Description
C_{lot}	the contribution rate per lot
r_{ha}	the land value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI. At the commencement of this Plan, the value has been indexed to \$3.56.
$OSarea_{ha}$	the area of open space identified in this Plan
$PopInc$	the total estimated population increase based on population forecasts
$PersDwelling$	Average persons per dwelling based on the 2011 Census

4.6 Purchase of open space at the Gateway Enterprise Park

As a result of the proposed commercial development, the purchase of open space adjacent to Raglan Creek within the subject land will be required to provide an access and riparian corridor adjacent to Raglan Creek.

4.7.1 Nexus between Development and Demand

Causal Nexus

The purchase of the open space adjacent to Raglan Creek provides an important access link that will form part of an access network that will link the commercial development with other parts of the city.

Physical Nexus

The provision of adequate open space and recreational areas by Council is an integral component of Council's framework that contributes to the long-term wellbeing of the community. The need to provide for open spaces, ensures that all residents receive the opportunity to partake in the many health benefits derived from open space. The open space adjacent to Raglan Creek links the subject land to the strategic access / cycleway network and improves the amenity of the precinct.

Temporal Nexus

The timing for purchasing the open space will only occur as part of an application for subdivision.

4.7.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar at the commencement of this Plan.

Based on a general lot yield of developable land of **75%**, the assumption has been made that the Gateway Enterprise Park land will have a similar yield, taking into consideration land use buffers, road reserves and the like. At the commencement of the Plan, the Gateway Enterprise Park land had an area of **27.33** hectares (excluding the land which was acquired by the RMS for the Sydney Road upgrade). This results in a developable area of approximately **20.53** hectares.

$$C_{ha} = \frac{r_{ha} \times OSarea_{ha}}{DevelopArea_{ha}}$$

$$C_{ha} = \frac{\$35,600 \times 2.83}{20.53}$$

$$C_{ha} = \$4907/ha$$

Symbol	Description
C_{ha}	the contribution rate per hectare
r_{ha}	the land value shown within the valuation report dated July 2011 prepared by Ralph Toyer & Associates, being \$3.50 per square metre (2011 valuation) and indexed annually in line with the CPI. At the commencement of this Plan, the value has been indexed to \$3.56.
$OSarea_{ha}$	the area of open space identified in this Plan
$DevelopArea_{ha}$	the total estimated development yield based on concept plans provided by the landowner and Council land development experience.

4.8 Total contribution rate

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

Catchment	Cost	Estimated Additional Lots	Cost Per Lot	Calculation	Total contribution
Bathurst	\$412,604		\$105		\$105
Kelso / Laffing Waters	\$4,384,580	2412	\$1,817	\$105 + \$1,817	\$1,922
Llanarth / Windradyne	\$1,632,695	788	\$2,073	\$105+ \$2,073	\$2,178
Perthville	\$49,484	43	\$1,155	\$105 + \$1,155	\$1,260
Gateway Enterprise Park	\$100,748	20.53 hectares	\$4,907/ha		\$4,907/ha

5.0 Schedule of works

5.1 Purchase of Open Space

Identifier	Location	Description of works	Area	Rate (\$ / hectare)	Estimated Cost	Completion rate
Bathurst	The open space as marked 'Bathurst 1-5' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 11.59 hectares of open space	Approximately 11.59 hectares	\$35,600	\$412,604	Not commenced
Kelso / Laffing Waters	The open space as marked 'Kelso 1 - 20' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 121.37 hectares of open space	Approximately 121.21 hectares based on recreation value	\$35,600	\$4,316,500	Not commenced
	The open space as marked 'Kelso 21' on the map marked		Approximately 0.16 hectares based on englobo residential	\$425,500	\$68,080	

	“Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.		rates			
Llanarth Windradynne	The open space as marked ‘Llanarth 1 and Windradynne 1 - 5’ on the map marked “Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.	Purchase of approximately 32.61 hectares of open space	Approximately 31.40 hectares based on recreation value	\$35,600	\$1,117,840	Not commenced
	The open space as marked ‘Llanarth 2’ on the map marked “Bathurst Regional Open Space Section 94 Developer Contributions Plan” attached to this Plan.		Approximately 1.21 hectares based on englobo residential rates	\$425,500	\$514,855	Not commenced
Perthville	The open space as marked	Purchase of approximately 1.39	Approximately 1.39	\$35,600	\$49,484	Not commenced

	'Perthville 1' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	hectares of open space	hectares			
Gateway Enterprise Park	The open space as marked 'Gateway Enterprise Park' on the map marked "Bathurst Regional Open Space Section 94 Developer Contributions Plan" attached to this Plan.	Purchase of approximately 2.83 hectares of open space	Approximately 2.83 hectares	\$35,600	\$100,748	Not commenced

6.0 Contribution Rate

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

Catchment	Cost	Estimated Additional Lots	Cost Per Lot	Calculation	Total contribution
Kelso / Laffing Waters	\$4,384,580	2412	\$1,817	\$105 + \$1,817	\$1,922
Llanarth / Windradyne	\$1,632,695	788	\$2,073	\$105+ \$2,073	\$2,178
Perthville	\$49,484	43	\$1,155	\$105 + \$1,155	\$1,260
Gateway Enterprise Park	\$100,748	20.53 hectares	\$4,907/ha		\$4,907/ha

For granny flats, dual occupancies, residential units / multi dwelling housing, 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%

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.

Extractive Industry means:

- (a) the winning of extractive material; or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

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:

ABS, 2012. 2011 Census Quickstats Bathurst.

http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC10798?opendocument&navpos=220 Last accessed 21 January 2014.

ABS, 2012. 2011 Census Quickstats Kelso.

http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC11222?opendocument&navpos=220 Last accessed 21 January 2014.

ABS, 2012. 2011 Census Quickstats Llanarth.

http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC11391?opendocument&navpos=220 Last accessed 21 January 2014.

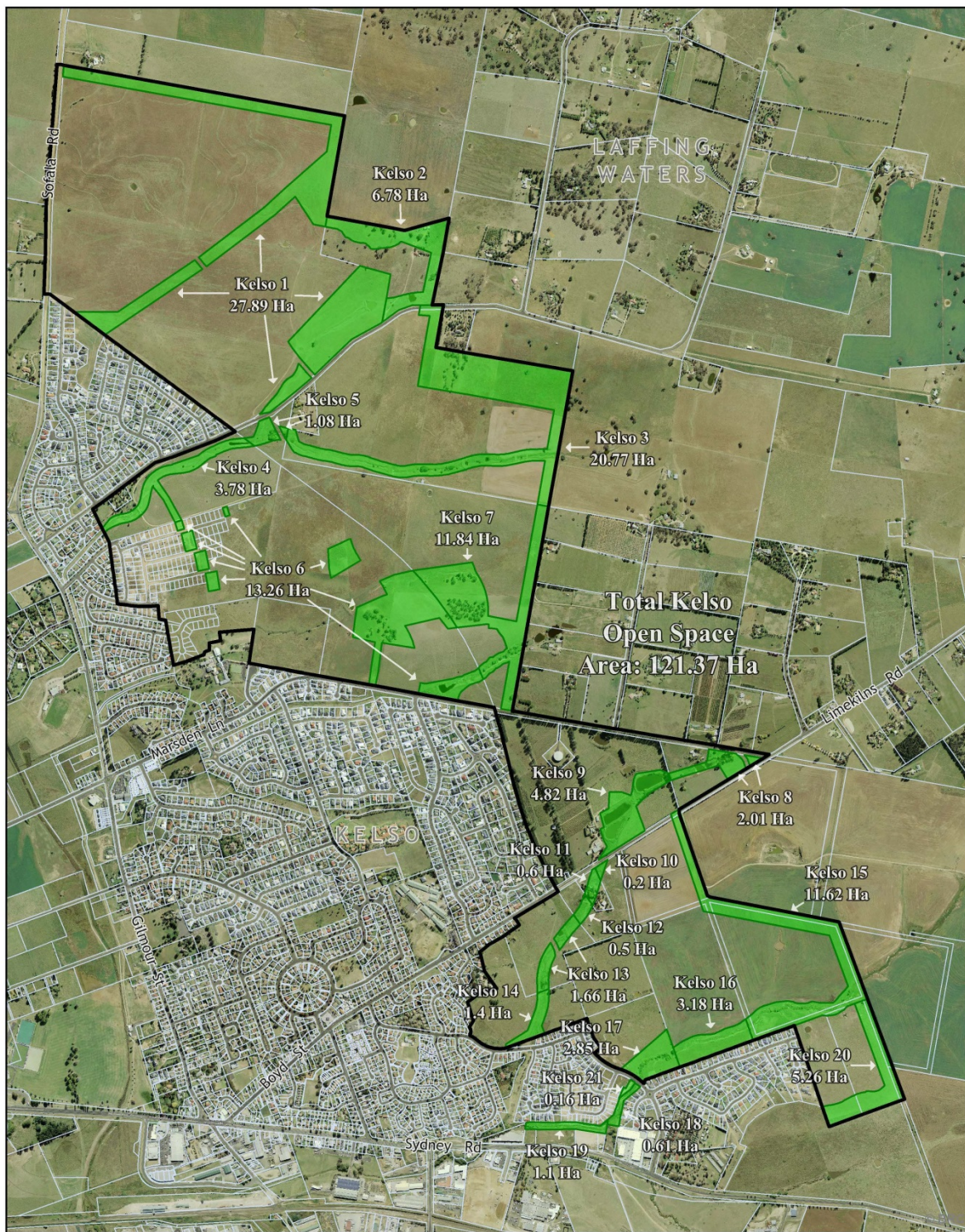
ABS, 2012. 2011 Census Quickstats Windradyne.

http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC12517?opendocument&navpos=220 Last accessed 21 January 2014.

ABS, 2012. 2011 Census Quickstats Perthville.

http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC11865?opendocument&navpos=220 Last accessed 21 January 2014.

9.0 Maps



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NORTH

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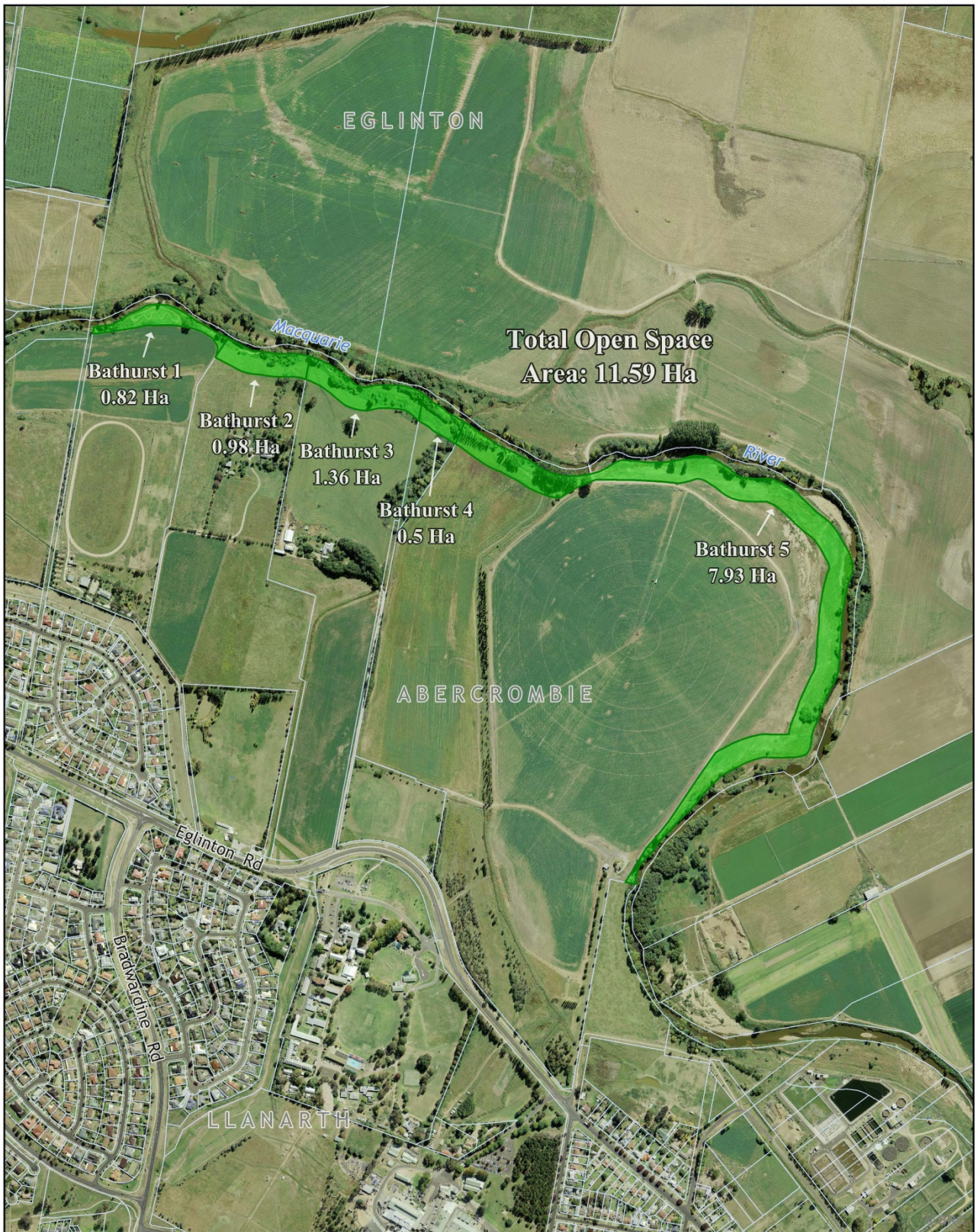
Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional (Interim) Local Environment Plan 2005.

This map was produced on the GEODESIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geospatial Datum 1984 (WGS84) are the same.

Aerial Photography: April 2013
 Contour Interval: ...
 Projection: MGA94 Zone 55
 Cost: ...
 Date: 09/01/2014
 Drawn By: GIS Section

Kelso
Proposed Open Space

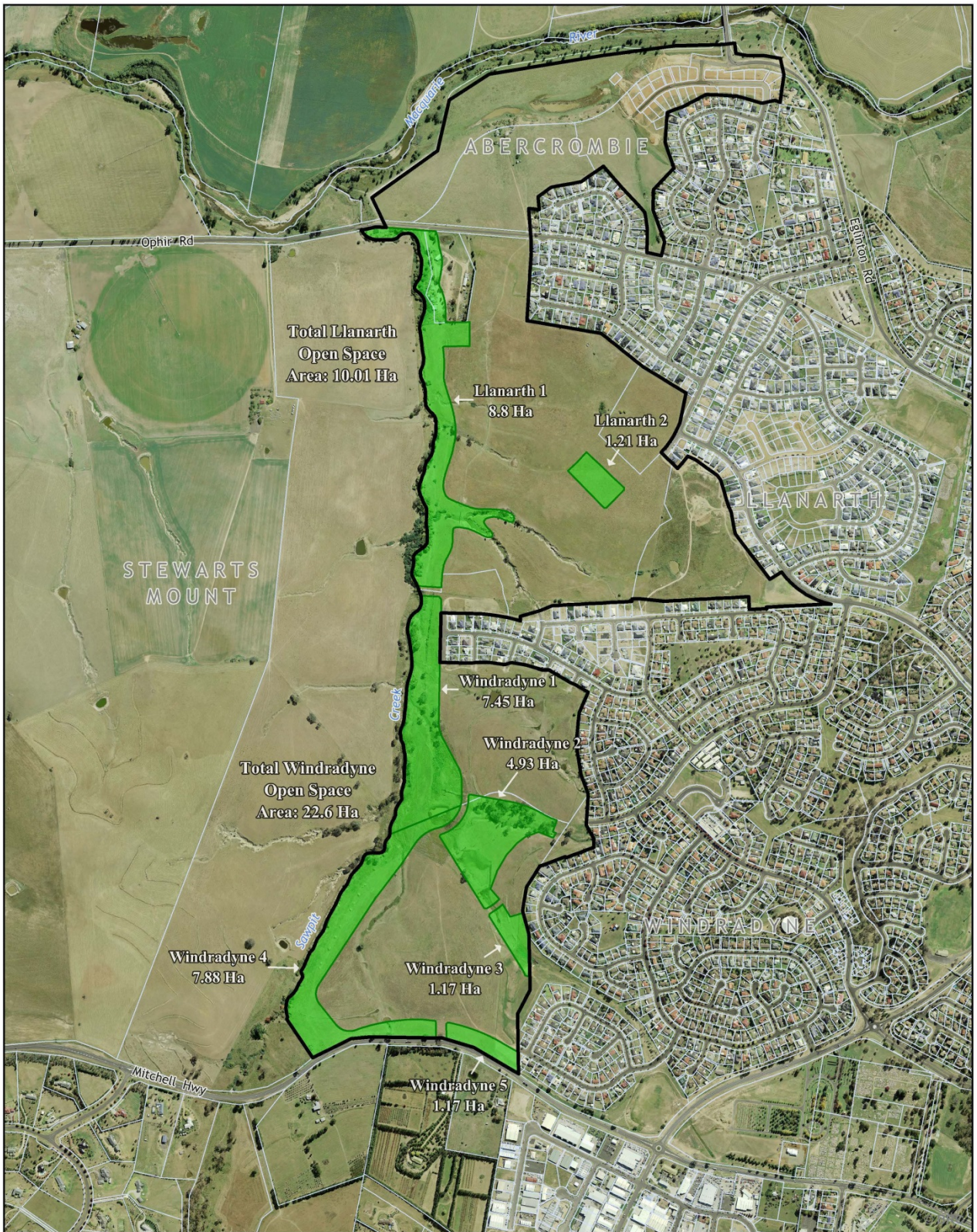
Map Scale: 1:15,000 at A3



<p>BATHURST REGIONAL COUNCIL Bathurst Regional Council 138 Russell Street Bathurst NSW 2795 Telephone: 02 6333 8211 Facsimile: 02 6333 7211 Web: www.bathurst.nsw.gov.au</p>	<p>Important Notice! This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information contained in this Plan.</p> <p><small>Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional (Interim) Local Environment Plan 2005.</small></p> <p><small>This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.</small></p>	<p>Aerial Photography: April 2013 Contour Interval: ... Projection: MGA94 Zone 55 Cost: ... Date: 09/01/2014 Drawn By: GIS Section</p>	<p align="center">Bathurst</p> <p align="center">Proposed Open Space</p> <p align="center">Map Scale: 1:7,500 at A3</p>
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<p>BATHURST REGIONAL COUNCIL Bathurst Regional Council 158 Russell Street Bathurst NSW 2795 Telephone: 02 6333 6111 Facsimile: 02 6331 7211 Web: www.bathurst.nsw.gov.au</p> <p>NORTH</p>	<p>Important Notice! <i>This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.</i> Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information comprised in this Plan.</p> <p>Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional (Interim) Local Environment Plan 2005.</p> <p>This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1994 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.</p>	<p>Aerial Photography: April 2013 Contour Interval: ... Projection: MGA94 Zone 55 Cost: ... Date: 09/01/2014 Drawn By: GIS Section</p>	<p>Perthville Proposed Open Space Map Scale: 1:5,000 at A3</p>
		<p>NORTH</p>	



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Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional (Interim) Local Environment Plan 2005.



This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1994 (AGD66/94). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial Photography: April 2013
Contour Interval: ...
Projection: MGA94 Zone 55
Cost: ...
Date: 09/01/2014
Drawn By: GIS Section

Windradyne & Llanarth
Proposed Open Space

Map Scale: 1:10,000 at A3



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