

9.2.4

DRAFT LAFFING WATERS INFRASTRUCTURE CONTRIBUTIONS PLAN 2024

File No: 20.00365

RECOMMENDATION:

That Council:

- (a) prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (i) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (ii) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iii) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (iv) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (v) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vi) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (vii) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (viii) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (ix) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (x) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xi) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xii) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xiii)
- (b) place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (i) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
 - (ii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (iii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iv) *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (v) *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (vi) *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vii) *Draft Amendment to Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (viii) *Draft Amendment to Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*

- (ix) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
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- (xiii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

(c) call a division.

REPORT:

Background

In May 2019, Council adopted the *Laffing Waters Master Plan* which remains the strategic planning framework that incorporates best-practice urban design principles to inform the rezoning and development of a new residential urban release area on the eastern side of the city, known as the Laffing Waters Master Plan Precinct.

The Laffing Waters Master Plan Precinct is located within the suburbs of Laffing Waters and Kelso (see **Figure 1 (a) and (b)**). It currently includes approximately 329 hectares of rural agricultural land which is expected to accommodate up to 41% of the growth of the Bathurst Regional Local Government Area (LGA) to the year 2040. The Precinct will contain approximately 2,270 new dwellings housing a population of up to 6,200 new residents.

Importantly, the *Laffing Waters Master Plan* seeks to:

- Create a diverse new community connected to regional Bathurst.
- Activate new green open spaces and places.
- Showcase environmental, social and sustainable development.
- Grow a vibrant and thriving Neighbourhood Activity Centre at the heart of Laffing Waters.
- Celebrate the views to the Bathurst town centre.
- Develop a school, recreation and sporting precinct.
- Offer new levels of diverse housing choice, types and sizes.

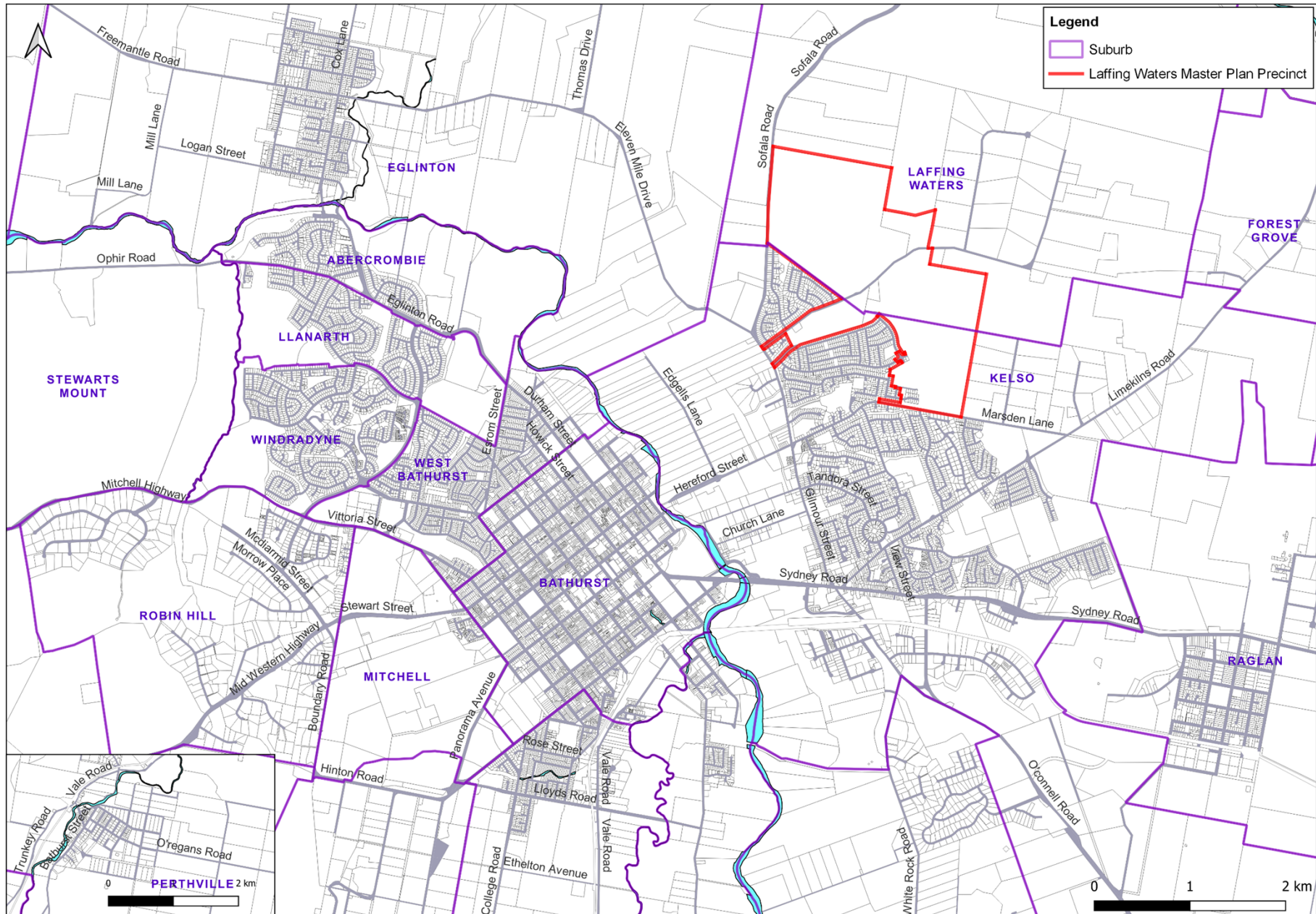




Figure 1 (a) & (b) – Laffing Waters Master Plan Precinct – Located on North-Eastern Side of City within Suburbs of Laffing Waters and Kelso

In order to implement the aims and recommendations of the adopted *Laffing Waters Master Plan*, Council recently prepared and adopted the following amendments to its planning provisions:

- **Planning Proposal to amend *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).**

The Planning Proposal (LEP Amendment No. 22) was adopted by Council on 15 February 2023 and was gazetted by the Minister for Planning and Public Spaces on 12 May 2023. It involved a reconfiguration of the previous zoning controls that applied to the relevant land at Laffing Waters and Kelso and introduced the R3 Medium Density Residential zone for the first time within the Bathurst Regional LGA.

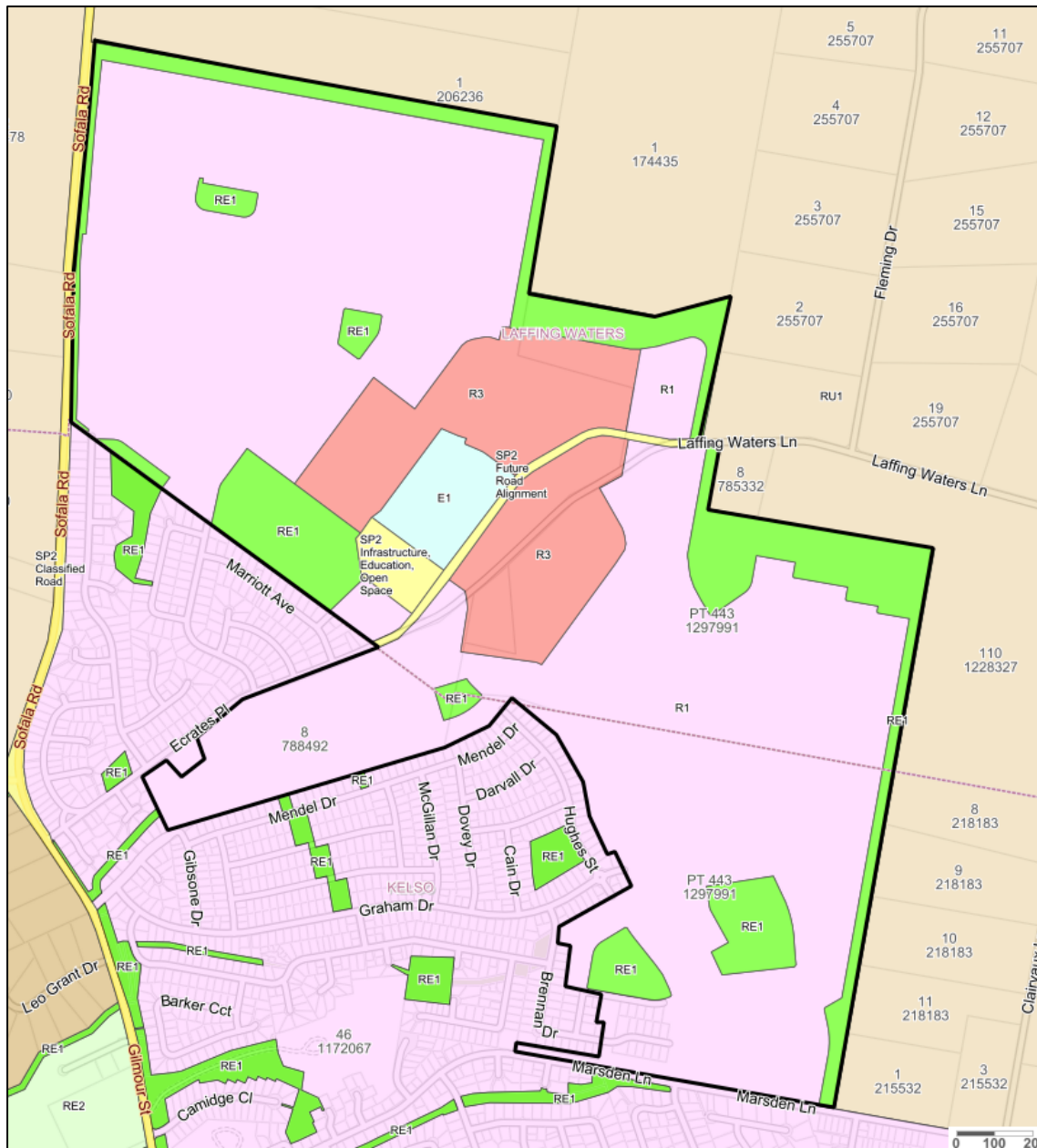
- **Amendment to Bathurst Regional Development Control Plan 2014** (DCP 2014).

The DCP Amendment was adopted by Council on 20 September 2023. It introduced detailed planning controls for the subdivision.

Accordingly, Council now has in place a suite of detailed planning provisions relevant to the Laffing Waters Master Plan Precinct. The subdivision and development of the land is to be guided by the new Land Zoning Map under LEP 2014 and accompanying DCP Map No. 4A – “Laffing Waters Master Plan”. The DCP Map sets out the road network, active transport network, public transport routes, drainage corridors and basins, open space network and establishes six key Land Use Areas:

1. A central **Business Neighbourhood Activity Centre** (NAC) – zoned E1 Local Centre.
2. A **School Site** adjoining the NAC – zoned SP2 Infrastructure (Infrastructure, Education, Open Space).
3. An inner **Medium Density Housing Area** surrounding the NAC – zoned R3 Medium Density Residential.
4. A **Conventional Density Housing Area** surrounding the Medium Density Housing Area – zoned R1 General Residential.
5. A **Low Density Housing Area** at the outer perimeter of the Precinct – zoned R1 General Residential.
6. Various **public open space areas**, including:
 - a) A District Sports Park adjoining the NAC and school site – zoned RE1 Public Recreation.
 - b) District Community Parks, Local Community Parks, Passive Open Spaces and Drainage Reserves – zoned a mixture of RE1 Public Recreation, R1 General Residential and R3 Medium Density Residential.

Figure 2 below details the current adopted Land Zoning Map under LEP 2014 and **Figure 3** details the current adopted DCP Map No. 4A.



Legend:

 E1 Local Centre	 RE2 Private Recreation
 R1 General Residential	 RU1 Primary Production
 R3 Medium Density Residential	 RU4 Primary Production Small Lots
 RE1 Public Recreation	 SP2 Infrastructure

Figure 2 – Current Land Zoning Map – Bathurst Regional Local Environmental Plan 2014 (LEP 2014)

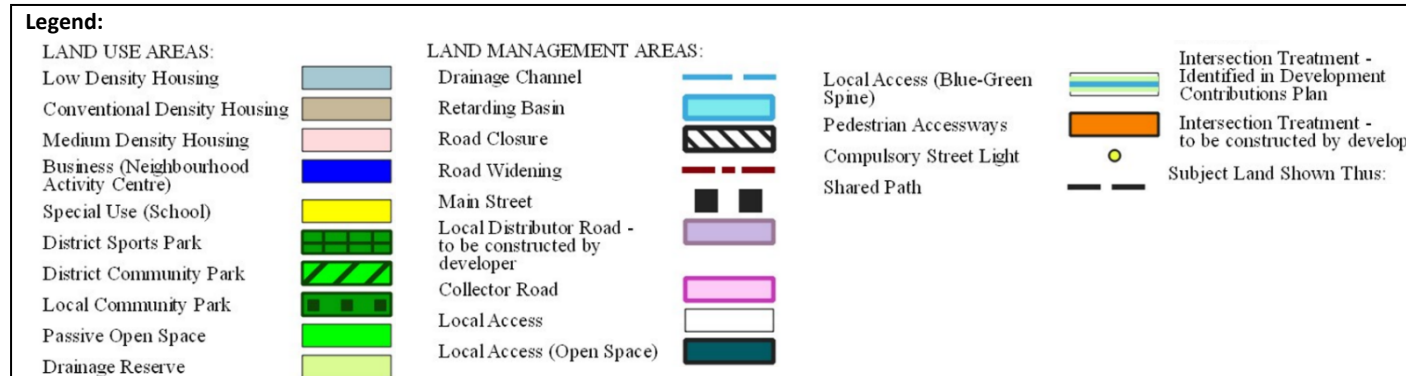
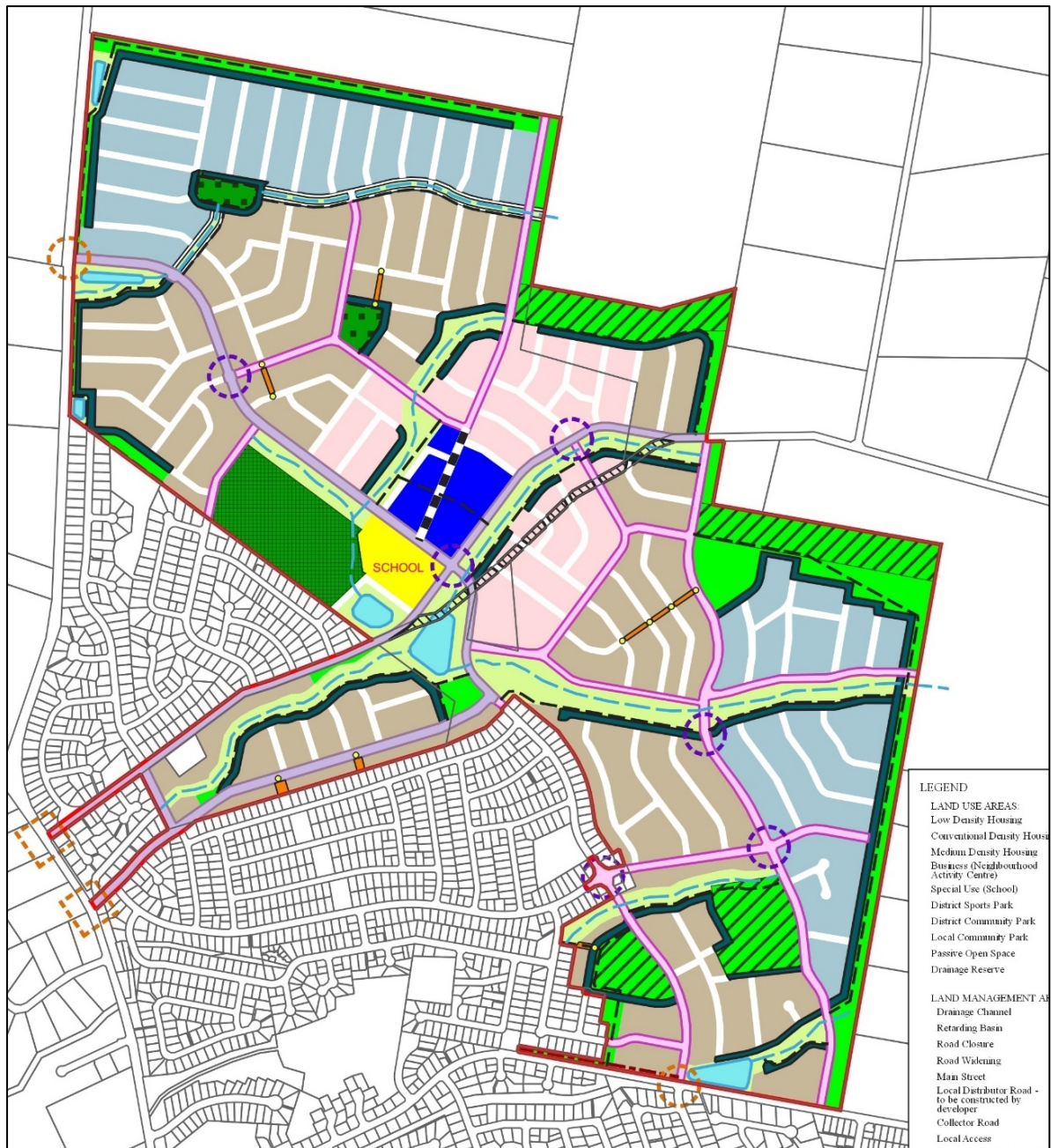


Figure 3 – Current DCP Map No. 4A – Laffing Waters Master Plan Precinct – Bathurst Regional Development Control Plan 2014 (D

In preparing the Master Plan, Planning Proposal and DCP Amendment, Council identified that a significant amount of public infrastructure (including amenities and services) would

need to be delivered to support the growth and development of the Laffing Waters Master Plan Precinct, including for example: road and intersection upgrades, sports grounds, footpaths and cycleways, street trees, stormwater drainage and basins.

Accordingly, Council engaged GLN Planning to prepare a new Development Contributions Plan for the Laffing Waters Master Plan Precinct and recommend any necessary amendments to the existing Development Contributions Plans that currently apply to all (or part) of the Precinct, including:

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- *Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge.*

This report provides a summary of the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* (LWLICP) and the consequential amendments to the existing Development Contributions Plans, the latter considered to be mainly of a “housekeeping” nature.

It is proposed that Council exhibit the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* (LWLICP) and the amendments to the existing Development Contributions Plans for a period of twenty-eight (28) days in accordance with *Bathurst Regional Community Participation Plan 2019* (CPP 2019).

A copy of the *Draft Laffing Waters Local Infrastructure Contributions Plan 2024* is provided in **Attachment 1**.

Development Contributions – What are they?

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), where a development will (or is likely to) require the provision of or increase the demand for public amenities and public services within the area, Council may require (through conditions of development consent):

- The payment of a monetary contribution, **and/or**
- The dedication of land free of cost.

These disbursements are referred to as Development Contributions.

Development Contributions can be taken in one of two forms:

1. Section 7.11 Development Contributions

Under Section 7.11 of the EP&A Act, Council can require the payment of a monetary contribution and/or the dedication of land free of cost, where there is a demonstrated nexus between the proposed development and the infrastructure that is required to be delivered. The apportionment payable is usually calculated based on the size, nature and scale of the development (for instance, the contribution of a standard four bedroom dwelling house might be larger than that of a single bedroom granny flat (secondary dwelling)).

Pursuant to Section 7.17 of the EP&A Act, the maximum monetary contribution that can be taken per dwelling or residential lot is \$20,000. This “contributions cap” was set by Ministerial Direction in 2012 and cannot be varied without the relevant Development Contributions Plan being reviewed and approved by IPART.

2. Section 7.12 Fixed Development Consent Levies

Under Section 7.12 of the EP&A Act, Council can require the payment of a levy of the percentage of the proposed cost of carrying out the development. Funds collected in this manner are applied towards the provision of (or recouping of costs for) any infrastructure identified by the relevant Development Contributions Plan, and the levy may be applied irrespective of the degree of nexus between the development and the infrastructure to be delivered.

Pursuant to Section 7.12(5) of the EP&A Act and Clause 209 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the maximum percentage of the proposed cost of carrying out development that may be imposed by a development levy is:

Section 7.12 Fixed Development Consent Levy	
Proposed Cost of Carrying out Development	Levy Rate
Up to and including \$100,000	Nil.
More than \$100,000 and up to and including \$200,000	0.5% of that cost.
More than \$200,000	1% of that cost.

For example: Where the proposed cost of carrying out a development is \$175,000, the relevant contribution amount would be \$875.00 (being 0.5% of that cost).

It should be noted that a single development can only be subject to either a Section 7.11 Development Contribution or a Section 7.12 levy; it cannot be subject to both.

Development Contributions Plan – What is it?

A Development Contributions Plan authorises the imposition of conditions under Section 7.11 or 7.12 of the EP&A Act. The contents of a Development Contributions Plan are prescribed in the Regulation. It identifies the relationship between the expected types of development in the area to which the Plan applies and the demand for additional public amenities and public services to meet the expected development.

It includes a map and schedule of works which outline the specific public amenities and public services that need to be provided by Council to support development within the area, including an estimate of cost, staging and priorities for expenditure.

The Plan also contains the relevant rates and formulas to be used to for determining the development contributions required for different categories of infrastructure and the development contributions payable for different types of development. It also outlines the methodology for adjusting the contributions payable to reflect inflation (indexation).

Draft Laffing Waters Local Infrastructure Contributions Plan 2024 (LWLICP)

Land and Development to which the Plan Applies

Applicable Land and Development

The Draft LWLICP will apply to all development requiring consent (including Complying Development) that is located within the Laffing Waters Master Plan Precinct and to development for the purposes of a manufactured home estate (MHE) that is carried out on any adjoining or adjacent rural zoned land.

Specifically, Development Contributions will be payable for:

Development to which the Plan Applies	
Land within the Laffing Waters Master Plan Precinct	Rural Zoned Land Directly Adjoining or Adjacent to the Laffing Waters Master Plan Precinct
<ul style="list-style-type: none"> The subdivision of land resulting in the creation of additional lots. Residential accommodation development that would result in a net increase in residents on the land. Non-residential development where the proposed cost of carrying out the development is more than \$100,000. 	<ul style="list-style-type: none"> Development for the purposes of a manufactured home estate (MHE).

The Laffing Waters Master Plan Precinct is comprised of the following land (refer to **Figure 1(a) and (b)**).

Land within the Laffing Waters Master Plan Precinct		
Lot and DP	Property Address	Ownership
Lot 231 DP 1177478	151 Laffing Waters Lane Laffing Waters	Council
Lot 12 DP 857116	183 Laffing Waters Lane, Laffing Waters	Private
Lot 2 DP 716660	130 Laffing Waters Lane, Laffing Waters	Private
Lot 8 DP 788492	Laffing Waters Lane, Kelso	Private
Lot 443 DP 1297991	Marsden Lane, Kelso	Private
Lot 426 DP 1297991	49 Brennan Drive, Kelso	Private
Lot 427 DP 1297991	51 Brennan Drive, Kelso	Private
Lot 428 DP 1297991	53 Brennan Drive, Kelso	Private
Lot 429 DP 1297991	55 Brennan Drive, Kelso	Private
Lot 430 DP 1297991	57 Brennan Drive, Kelso	Private
Lot 431 DP 1297991	59 Brennan Drive, Kelso	Private
Lot 432 DP 1297991	54 Brennan Drive, Kelso	Private
Lot 433 DP 1297991	56 Brennan Drive, Kelso	Private
Lot 434 DP 1297991	58 Brennan Drive, Kelso	Private
Lot 435 DP 1297991	60 Brennan Drive, Kelso	Private
Lot 436 DP 1297991	62 Brennan Drive, Kelso	Private
Lot 437 DP 1297991	64 Brennan Drive, Kelso	Private
Lot 438 DP 1297991	10 Holman Drive, Kelso	Private
Lot 439 DP 1297991	12 Holman Drive, Kelso	Private
Lot 440 DP 1297991	14 Holman Drive, Kelso	Private
Lot 441 DP 1297991	16 Holman Drive, Kelso	Private
Lot 442 DP 1297991	18 Holman Drive, Kelso	Private

Excluded Development

The Plan will not apply to the following types of **excluded** development:

- Development that an executed planning agreement excludes from the application of Section 7.11 or Section 7.12 of the EP&A Act.
- Development exempted from Section 7.11 Contributions or Section 7.12 Levies by way of a direction made by the Minister for Planning.

- Extensions and/or alterations to existing dwellings.
- Replacement dwellings.

Consistent with Council's current policy, further exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

Local Infrastructure Provided under the Plan

The local infrastructure to be provided by Development Contributions received under the Plan includes:

Summary of Infrastructure Costs		
Type of Local Infrastructure	Total Cost of Works	Cost Attributable to New Development
Open space and recreation facilities.	\$20,605,192	\$20,605,192
Roads and traffic facilities.	\$25,743,568	\$18,933,365
Cycleways and paths.	\$2,574,000	\$1,746,000
Stormwater drainage.	\$9,171,328	\$9,171,328
Public domain.	\$2,270,000	\$2,270,000
Total	\$60,364,088	\$52,725,885
Plan management and administration.		\$790,888
Total	\$60,364,088	\$53,516,774

The total cost of the infrastructure required to be delivered by Council is estimated to be \$60,364,088 of which approximately \$52,725,885 (87.3%) is attributable to new development within the Laffing Waters Master Plan Precinct. An additional amount of \$790,888 will also be allocated towards the management and administration of the Plan (total of \$53,516,774).

Funding Gap and Other Consequences

The Draft LWLIP will fund approximately 87.3% of the costs of the required infrastructure works, meaning that approximately 12.7% of the costs (currently approximately \$7,638,203) will need to be funded through other means (such as Council rates (budget) and/or State/Federal funding applications).

It should be noted that the following consequences could arise if Council resolved not to exhibit and/or subsequently adopt a Development Contributions Plan for the Laffing Waters Master Plan Precinct:

- Council would need to directly fund a much larger proportion of the required infrastructure (e.g. through Council rates).
- The development of the Precinct could be delayed or reduced in scale, which could impact the provision and availability of housing (and associated services and amenities) necessary for the future population of Bathurst.
- The Precinct may not be developed or delivered to the standards adopted by Council in the *Laffing Waters Master Plan* and recent DCP Amendment.

- The broader community of Bathurst could be responsible for funding infrastructure that is largely attributable to new development within the Laffing Waters Master Plan Precinct.
- Developers within the Precinct could fund a disproportionate share of infrastructure that might otherwise benefit other neighbouring developments within the Precinct and/or to some smaller extent, the broader Bathurst community.

Applicable Development Contribution Type

The Draft LWLIP is a hybrid plan which adopts the use of **both** Section 7.11 Contributions and Section 7.12 Levies.

Section 7.11 Development Contributions will be payable in respect to all **residential subdivisions and developments** (e.g. dual occupancy, secondary dwellings (granny flats), multi dwelling housing, residential flat buildings) **and mixed-use developments** where the development would result in a net increase in dwellings (e.g. shop top housing).

Section 7.12 Levies will be payable in respect to all **non-residential developments** (e.g. commercial premises, industries, tourist and visitor accommodation, educational establishments (e.g. schools, other than development by the Crown)) where the proposed cost of carrying out the development exceeds \$100,000.

Calculating the Contribution

Section 7.11 Development Contributions – Residential Subdivisions and Developments (Including Mixed-Use)

The Section 7.11 Development Contributions collected for new residential subdivisions and developments within the Laffing Waters Master Plan Precinct will cover almost all of the costs attributable to the new development.

The amount payable in respect to each new residential lot and each new residential dwelling within the Precinct will be proportional to the type and scale of the proposal, as outlined in the tables below.

Section 7.11 Contribution Rates				
Item	1-Bed Dwelling	2-Bed Dwelling and Seniors Living Dwelling	3 or more Bed Dwelling	Additional Lot Resulting from Subdivision (excluding any public open space lot).
Open space and recreation facilities.	\$5,446	\$7,262	\$9,077	\$9,077
Road and traffic facilities.	\$5,004	\$6,673	\$8,341	\$8,341
Active transport facilities.	\$461	\$615	\$769	\$769
Stormwater drainage.	\$2,424	\$3,232	\$4,040	\$4,040
Public domain.	\$600	\$800	\$1,000	\$1,000
Plan management and administration.	\$209	\$279	\$348	\$348
Total	\$14,145	\$18,861	\$23,576*	\$23,576*

***Note:** Pursuant to Section 7.17 of the EP&A Act, the maximum monetary contribution that can be taken per dwelling or residential lot is \$20,000 (being the relevant “contributions cap”). This will result in a funding shortfall to be borne by Council.

Assumed Proportion of Contribution Rates		
Development Type	Dwelling / Unit Size	Apportionment of Lot Rate
Attached dwellings, co-living housing, dual occupancies, group homes, multi dwelling housing, residential flat buildings (including manor houses), secondary dwellings, semi-detached dwellings, shop top housing	3 or more bedrooms	100%
	2 bedrooms	80%
	1 bedroom	60%
Seniors independent living units	Any size	80%
Boarding houses	Per room	60%

Further, in accordance with the current requirements of DCP 2014, developers will be required to dedicate any land required for a public purpose to Council, **free of cost**. For public open spaces and drainage reserves, developers will also be required to embellish and landscape those new parklands upfront, prior to the release of the subdivision and dedication of land to Council.

Section 7.12 Fixed Development Consent Levies – Non-Residential Developments

The Section 7.12 Levies collected for new non-residential developments within the Laffing Waters Master Plan Precinct will increase the overall pool of development contributions that will be available to fund the infrastructure, potentially decreasing the degree of funding gap that will need to be covered by Council through other means.

The amount payable in respect to each non-residential development within the Precinct is based on the proposed cost of carrying out the development:

Section 7.12 Fixed Development Consent Levy	
Proposed Cost of Carrying out Development	Levy Rate
Up to and including \$100,000	Nil.
More than \$100,000 and up to and including \$200,000	0.5% of that cost.
More than \$200,000	1% of that cost.

The methodology provided under Clause 208 of the EP&A Regulation must be used for the purposes of determining the proposed cost of carrying out the development. Where a Section 7.12 levy is required under the Plan, a Cost Summary Report will need to be prepared by a suitably qualified person (at the applicant's cost) and supplied to Council with the Development Application.

Timing for Payment of Development Contributions

Generally, Development Contributions required under Section 7.11 or Section 7.12 will need to be paid to Council at the earliest opportunity following the issuing of the Development Consent. The relevant condition of consent will stipulate the necessary timing for payment, which will generally be as follows:

Timing for Payment of Development Contributions	
Type of Development	Required Timing of Payment
For development where no further approvals are required (e.g. change of use with no building works).	Before commencement of the development.
For development involving subdivision.	Prior to the issue of any Subdivision Certificate.
For development not involving subdivision, but where a Construction Certificate is required.	Prior to the issue of any Construction Certificate.
For development that involves Subdivision and Building Work.	Prior to the issue of any Subdivision Certificate or Construction Certificate (whichever occurs sooner).

For development that does not involve Subdivision or Building Work.	Prior to the issue of any Occupation Certificate.
For works authorised under a Complying Development Certificate (CDC).	Before any work authorised by the Certificate (CDC) commences (as per Clause 156 of the EP&A Regulation).

Written applications for deferred or periodic payments will be considered by Council on a case-by-case basis. If Council decides to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee.

Adjustment for Inflation

Section 7.11 and Section 7.12 Development Contributions will be regularly adjusted for inflation, as outlined below.

Section 7.11 Development Contributions – Residential Subdivisions and Developments (Including Mixed-Use)

Section 7.11 Development Contributions will be indexed for inflation at the time of consent and again at the time of payment in accordance with **quarterly** movements in the Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics (ABS). The latest quarterly indexed contribution rates will be published on Council's website.

Section 7.12 Fixed Development Consent Levies – Non-residential Development

The proposed cost of carrying out the development will be indexed for inflation between the date the Cost Summary Report was prepared and the date on which the contribution is paid in accordance with **quarterly** movements in Consumer Price Index (All Groups Index) for Sydney, as published by the ABS. However, Council will only index the proposed cost of carrying out the development where the Development Consent is more than 12 weeks old at time of payment.

Works in Kind

An applicant may make an offer to Council to carry out works, provide another kind of material public benefit or dedicate land, in part or full satisfaction of a monetary contribution required by a condition of consent imposed under the Plan.

If a developer wishes to deliver infrastructure on Council's behalf, then the developer can approach this in either one of two ways:

1. Planning Agreement

The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide any other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a Development Consent.

Planning Agreements may be considered in respect to the application of both Section 7.11 Contributions and 7.12 Levies.

2. Works in Kind

If the developer has already received a Development Consent containing a condition requiring payment of a monetary contribution, the developer may offer to undertake works-in-kind through a Work-In-Kind Agreement or dedicate land through a Land Dedication Agreement.

Work in-Kind Agreements and Land Dedication Agreements should only be considered in respect to the application of Section 7.11 Contributions.

The value of any agreed works in-kind can be applied as an offset against monetary contributions required to be paid (via conditions of consent) under Section 7.11. Offsets will only be granted where the works that are proposed to be undertaken are listed in the Schedule of Works provided within the Plan. The value of the monetary contributions offset shall equal the value attributed to the works item(s) in the Plan, taking into account the impact of indexation. Offsets for other material public benefits may be agreed by Council in exceptional circumstances.

Written applications for a Planning Agreement or Works-In-Kind Arrangement will be considered by Council on a case-by-case basis.

Commencement and Transitional Arrangements

Upon commencement, the Draft LWLICP will apply to all development applications and applications for a complying development certificate that:

- Have been submitted before the date of commencement but are not yet determined.
- Are submitted from the date of commencement.

Existing Development Consents for Subdivision and Development within the Precinct

It should be noted that several Development Consents have previously been issued by Council for the subdivision and development of land generally located on the Southern and Eastern sides of the Laffing Waters Master Plan Precinct (refer to **Figure 4** below).

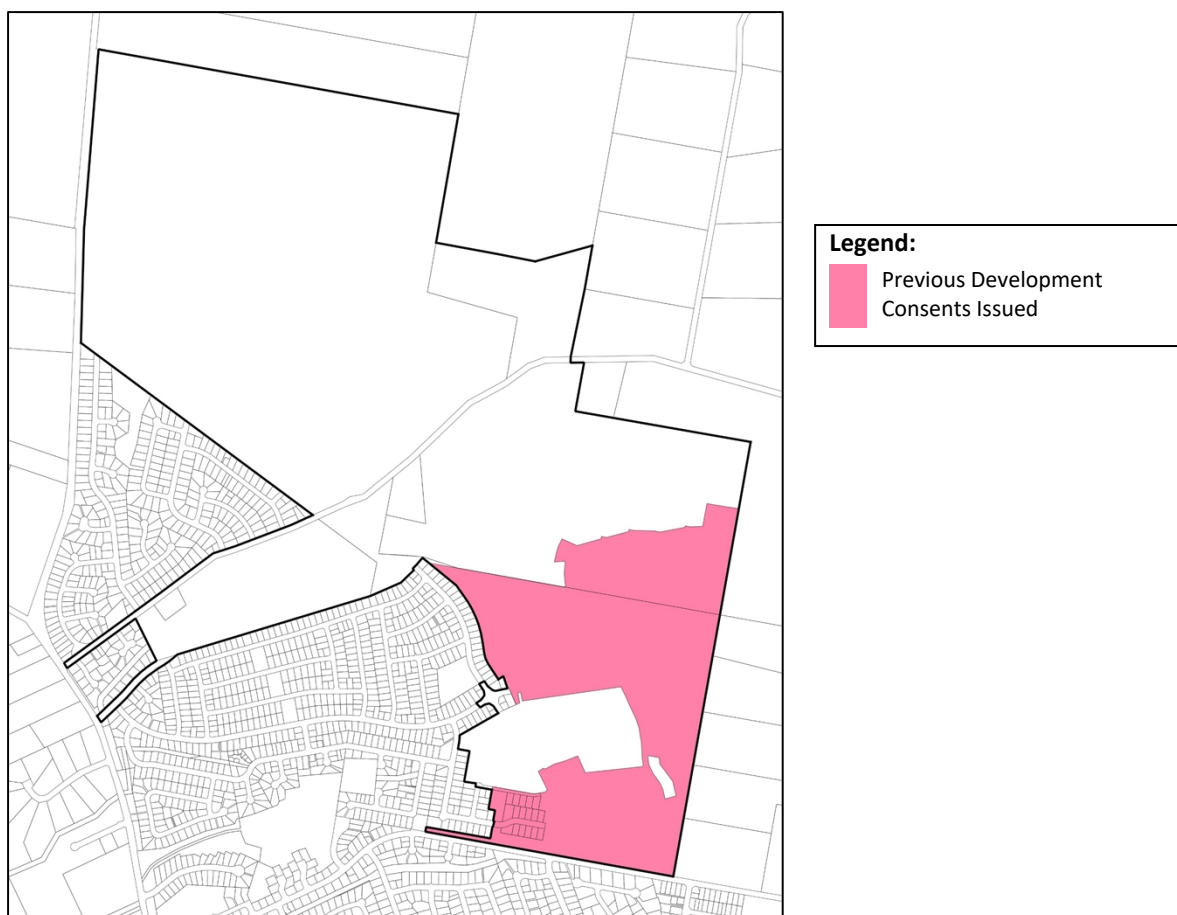


Figure 4 – Approximate Location and Extent of Previous Development Consents issued within the Laffing Waters Master Plan Precinct

Development Contributions under the Draft LWLICP cannot be sought retrospectively in relation to those existing Development Consents. However, it should be noted that conditions were imposed on those previous Development Consents requiring the payment of Section 7.11 Development Contributions under the current Development Contributions Plans that already apply to the land (e.g. *Bathurst Regional Community Facilities and Roadworks – New Residential Subdivisions*).

Amendments to Existing Development Contributions Plans

Duplication of Development Contribution Obligations

The following Section 7.11 Development Contributions Plans have previously been adopted by Council and currently apply to all (or part) of the Laffing Waters Master Plan Precinct.

Existing Development Contributions Plan	Land / Development to which the Plan Applies	Local Infrastructure Provided under the Plan
<p><i>Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.</i></p> <p>(Adopted by Council on 17 September 2014).</p>	<p>All subdivisions that create an additional lot upon which a dwelling may lawfully be erected in the following zones:</p> <ul style="list-style-type: none"> • 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. <p>AND</p> <p>Any new residential development type in any zone to which LEP 2014 applies.</p> <p>Note: Plan applies to the whole of the Bathurst Regional LGA.</p>	<p>The provision of community facilities across the Bathurst Regional LGA, including:</p> <ul style="list-style-type: none"> • Community buildings. • Footpaths and cycleways. • Art gallery and library expansion. • Regional level recreation playground. • Community arts centre. • Museum development and expansion. • Regional level sporting facilities. • Archives collection repository. • Music conservatorium. • Botanic gardens. • Local recreation equipment. • Bus shelters. • Public carparking. <p>Note: A portion of the identified works have been completed.</p>
<p><i>Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.</i></p> <p>(Adopted by Council on 17 September 2014).</p>	<p>Development for the following purposes on any land identified as “Section 94 Developer Contributions Plan – Bathurst Regional Open Space” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Dual occupancy. • Secondary dwellings. • Medium density residential development. • Subdivision of land. <p>Note: Plan applies to land within the suburbs of Laffing Waters, Kelso, Abercrombie, Llanarth, Windradyne and Perthville (see Figure 5 below).</p>	<p>The purchase of land zoned for the purposes of public open space.</p>
<p><i>Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage</i></p>	<p>Development for the following purposes on any land identified as “Section 94 Contributions Plan – Raglan Creek Stormwater Drainage” on the map attached to the Plan:</p>	<p>The provision of stormwater infrastructure across the Raglan Creek Catchment, including:</p> <ul style="list-style-type: none"> • Drainage channels.

<p><i>Management.</i></p> <p>(Adopted by Council on 16 December 1992).</p>	<ul style="list-style-type: none"> • Low density residential subdivisions. • Special uses, such as schools, churches and medium density housing. • Commercial and industrial developments. <p>Note: Plan applies to land within the suburbs of Eglinton, Laffing Waters, Kelso, Raglan and White Rock (see Figure 5 below).</p>	<ul style="list-style-type: none"> • Retarding basins. • Water quality control structures. • Road culvert crossings.
<p><i>Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions</i></p> <p>(Adopted by Council on 21 November 2018).</p>	<p>Development for the following purposes on any land identified as “Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Dual occupancy. • Secondary dwellings. • Medium density residential development. • Subdivision of land. • Business. • Special use development. <p>Note: Plan applies to land within the suburbs of Eglinton, Abercrombie, Llanarth, Windradyn, West Bathurst, Laffing Waters and Kelso (see Figure 5 below).</p>	<p>The provision of roadway infrastructure, including:</p> <ul style="list-style-type: none"> • Construction of new roadways. • Upgrade and widening of existing roadways. • Construction of new intersections. • Upgrade of existing intersections. • Construction and upgrade of bridges.
<p><i>Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge</i></p> <p>(Adopted by Council on 16 December 1992).</p>	<p>Development for the following purposes on any land identified as “Section 94 Contributions Plan Hereford Street” on the map attached to the Plan:</p> <ul style="list-style-type: none"> • Subdivision of land. • Dual occupancy. • Medium density residential development. <p>Note: Plan applies to land within the suburb of Kelso (see Figure 5 below).</p>	<p>The reconstruction of Hereford Street and the construction of a new low level bridge.</p> <p>Note: The works identified under this Plan were completed in the 1990s. Council continues to recoup funds under this Plan for the previously completed works.</p>

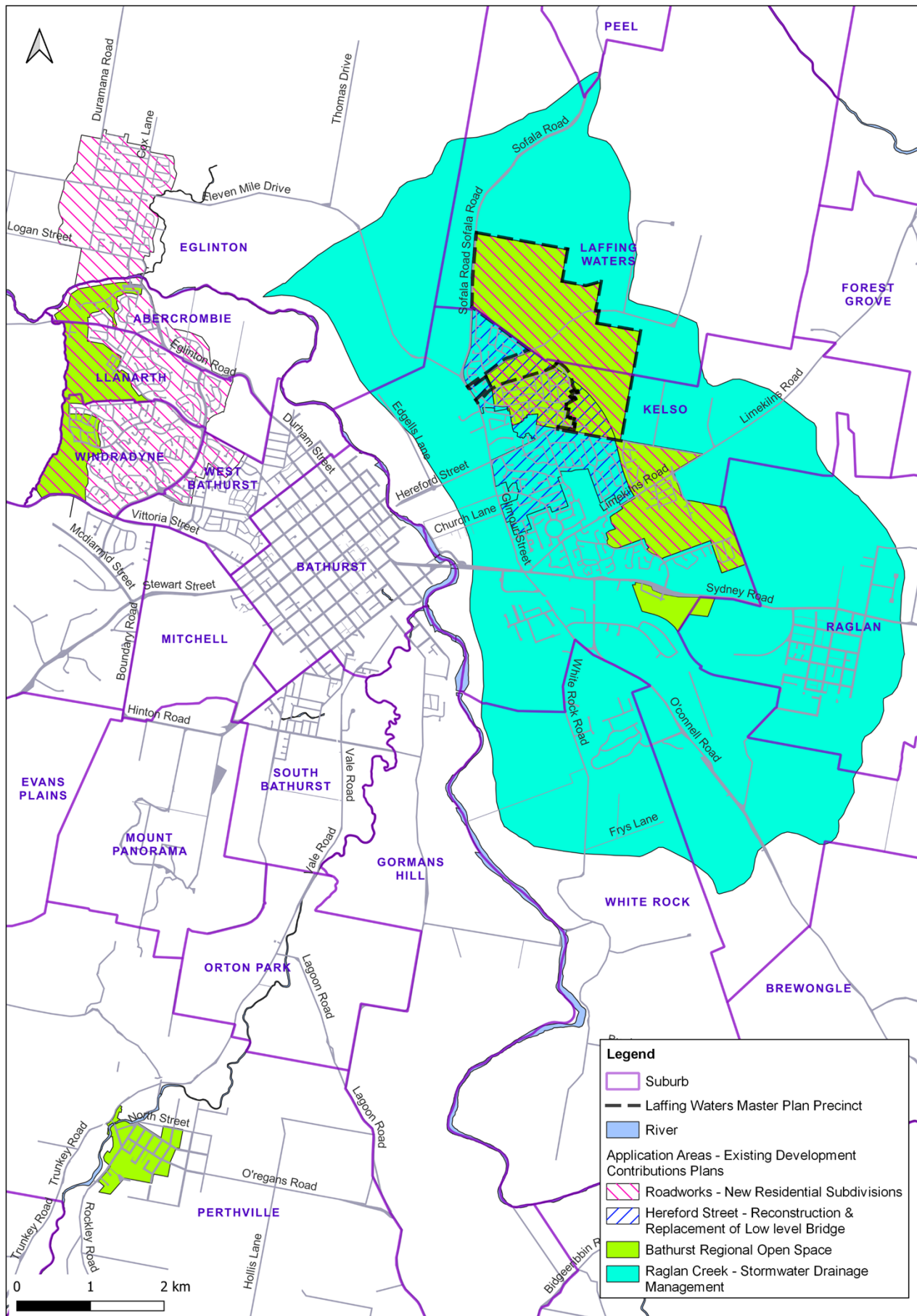


Figure 5 – Application Areas of Council’s Existing Section 7.11 Development Contributions Plans

The delivery of public open space, stormwater drainage, road, traffic and active transport infrastructure within the Laffing Waters Master Plan Precinct is now proposed to be facilitated by the new Draft *Laffing Waters Local Infrastructure Contributions Plan*. Therefore, suitable amendments need to be made to the following existing Section 7.11 Development Contributions Plans to prevent the duplication of Development Contribution obligations for certain infrastructure to be provided within the Laffing Waters Master Plan Precinct (as relevant).

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*

The existing *Section 7.11 Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge* seeks the recoupment of funds for works previously completed on Hereford Street (including the reconstruction of Hereford Street and replacement of the low level bridge). Under this 1992 Plan, forecasted development within southern parts of the Laffing Waters Master Plan Precinct was considered to be a source of demand for those infrastructure works (see **Figure 5**), and therefore, this recoupment Plan will continue to apply to land within southern parts of the Laffing Waters Master Plan Precinct.

Indexation of Existing Development Contributions Plans

The Development Contribution rates payable under Council's existing Section 7.11 Development Contributions Plans are currently indexed on an annual basis (beginning of each financial year).

To ensure that the Development Contribution rates remain more closely representative of infrastructure costs, it is proposed that each of Council's existing Development Contributions Plans (listed below) be amended to allow for quarterly indexation to be undertaken.

- *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
- *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
- *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*

- *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

These amendments should further minimise the funding gaps under each Development Contributions Plan and therefore, reduce the degree of costs burdened on Council and the broader community for the delivery and maintenance of infrastructure necessary to support new development within the Bathurst Regional LGA.

Public Exhibition

In accordance with *Bathurst Regional Community Participation Plan 2019* (CPP 2019) it is recommended that the following draft Development Contributions Plans be placed on public exhibition for a period of twenty-eight (28) days:

- *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks* (amendments as outlined in this report).
- *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development* (amendments as outlined in this report).

Additionally, it is recommended that the exhibition of these documents be promoted in the following ways:

- Written notification be provided to all owners of land within the Laffing Waters Master Plan Precinct and to the owners of all adjoining and adjacent rural zoned land.
- A written notice be published on the “Public Notices” section of Council’s website.
- All members of the public be afforded a period of twenty-eight (28) days to review and make submission on the draft Development Contributions Plans.

- All documentation relating to the draft Development Contributions Plans be made available on Council's YourSay website and in the Council office.

At the conclusion of the exhibition period, Council staff will consider any public submissions received and whether a Submission Hearing needs to be held and prepare the final amendments/recommendations for consideration at an Ordinary Meeting of Council.

CONCLUSION:

It is recommended that Council:

- (a) Prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (i) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (ii) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iii) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (iv) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (v) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (vi) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (vii) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (viii) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (ix) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (x) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xi) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xii) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xiii)
- (b) Place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (i) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*
 - (ii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (iii) *Draft Amendment to Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (iv) *Draft Amendment to Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (v) *Draft Amendment to Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (vi) *Draft Amendment to Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*

- (vii) Draft Amendment to *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- (viii) Draft Amendment to *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- (ix) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- (x) Draft Amendment to *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- (xi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
- (xii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- (xiii) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

FINANCIAL IMPLICATIONS:

Preparation of the draft Laffing Waters Local Infrastructure Contributions Plan (LWLICP) was funded from a grant under the NSW Government's Regional Housing Strategic Planning Fund.

Regardless of the LWLICP becoming effective, there will be an additional infrastructure funding shortfall that will impact on future Council budgets of several millions of dollars.

The draft amendments to existing Development Contributions Plans as a consequence of the LWLICP represent "housekeeping" amendments. However, the existing plans are somewhat outdated in other respects. Council should consider a major review of all Contributions Plans as a future step in Development Contributions Plan reform.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

- | | |
|--------------|----------------------------------------------------------------------------------------------------|
| Strategy 4.1 | Facilitate development in the region that considers the current and future needs of our community. |
| Strategy 4.2 | Provide safe and efficient road, cycleway and pathway networks to improve accessibility. |
| Strategy 4.3 | Ensure services, facilities and infrastructure meet the changing needs of our region. |
| Strategy 4.6 | Plan for, assess and regulate development activity. |

Objective 5: Community health, safety and well being.

- | | |
|--------------|-------------------------------------------------------------------|
| Strategy 5.1 | Provide opportunities for our community to be healthy and active. |
| Strategy 5.5 | Plan and respond to demographic changes in the community. |

Objective 6: Community leadership and collaboration.

- | | |
|--------------|-----------------------------------------------|
| Strategy 6.4 | Meet legislative and compliance requirements. |
|--------------|-----------------------------------------------|

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. DRAFT Laffing Waters Local Infrastructure Contributions Plan 2024 [9.2.4.1 - 57 pages]

MINUTE

RESOLUTION NUMBER: ORD2024-89

MOVED: Cr W Aubin SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (d) prepare draft amendments to the following existing Section 7.11 Development Contributions Plans, as outlined in this report:
 - (xiv) *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
 - (xv) *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
 - (xvi) *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
 - (xvii) *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
 - (xviii) *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
 - (xix) *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
 - (xx) *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
 - (xxi) *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
 - (xxii) *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
 - (xxiii) *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
 - (xxiv) *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
 - (xxv) *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
 - (xxvi)
- (e) place the following draft Development Contributions Plans on public exhibition for a period of twenty-eight (28) days:
 - (xiv) *Draft Laffing Waters Local Infrastructure Contributions Plan 2024.*

- (xv) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
- (xvi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
- (xvii) Draft Amendment to *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
- (xviii) Draft Amendment to *Section 7.11 Contributions Plan – Raglan Creek Stormwater Drainage Management.*
- (xix) Draft Amendment to *Section 7.11 Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
- (xx) Draft Amendment to *Section 7.11 Contributions Plan – Jordan Creek Stormwater Drainage Management.*
- (xxi) Draft Amendment to *Section 7.11 Contribution Plan – Robin Hill – Road & Drainage Construction.*
- (xxii) Draft Amendment to *Section 7.11 Development Contributions Plan – Roadworks – New Residential Subdivisions.*
- (xxiii) Draft Amendment to *Section 7.11 Contribution Plan – Herford Street – Reconstruction & Replacement of Low Level Bridge.*
- (xxiv) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
- (xxv) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
- (xxvi) Draft Amendment to *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*

(f) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Nil

Absent - Cr G Hanger, Cr A Smith and Cr R Taylor

Abstain - Nil