

MINUTE

Planning Proposal



Applicant	Mr G & Mrs E Cutler
Address	Limekilns Road, Kelso
Lot/DP Details	Part Lots 2 & 3 DP 1233661 and Part Lot 1 DP 176203
File	20.00319
Date	1 March 2018
Instruments to be amended	Bathurst Regional Local Environmental Plan 2014 Bathurst Regional Development Control Plan 2014 Section 94 Plan – Roadworks, New subdivision

By this Minute, under authority delegated by the General Manager, I hereby resolve that Council:

- Support the Planning Proposal submitted by the landowner to amend the planning instruments as outlined in this report;
- prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014, and commence an amendment to the Bathurst Regional DCP and commence an amendment to the Roadworks - New Residential Subdivisions Section 94 Plan as outlined in this report.
- forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal, and
- council receive a report to place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act.

Report:

The Bathurst Regional Local Environmental Plan, Development Control Plan and Roadworks - New Residential Subdivisions Section 94 Plan have been in force since November 2014.

The landowners have lodged a planning proposal with Council for the alteration of the RU1 Primary Production, RE1 Public Recreation and R1 General Residential land on part of their property at Limekilns Road. A location plan is included as **attachment 1**.

Background

A recent subdivision along the RE1/R1 zone boundary has resulted in a corridor of RE1

zoned land. The land is proposed to have a collector road constructed within this area as identified on DCP Map No 3 - Kelso. As a result of the subdivision of the residential land from the rural and recreation land, a row of rear fences adjacent to the collector road will be the resulting urban form. Council officers are of the opinion that this will not result in a desirable outcome from an urban design perspective and encourage active street frontages.

The Planning Proposal

The landowners have submitted a Planning Proposal to Council. The amendment to the *Bathurst Regional Local Environmental Plan* seeks to amend the RU1 Primary Production, R1 Residential and RE1 Local Recreation zone boundary of Part Lots 2 & 3 DP 1233661 and Part Lot 1 DP 176203, Limekilns Road Kelso as shown at **attachment 2**.

It is considered that the planning proposal should be supported in this circumstance to obtain an improved outcome with respect to urban design. **Attachment 3** shows the likely outcome if the land were retained as RE1 zoned land with the rear fences adjacent to the collector road, and **attachment 4** shows the likely outcome with dwellings fronting the collector road as can be seen in Illumba Way and Hughes Street.

Detailed documentation has been prepared by the applicant in accordance with the NSW Department of Planning and Environment's guidelines to support the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the Plans and then placed on public exhibition in accordance with Council's statutory obligations.

Bathurst Regional Development Control Plan 2014 Amendment

It is proposed to commence an amendment to the *Bathurst Regional Development Control Plan* which seeks to amend Map No 3 - Kelso to reflect the zone changes outlined in the draft LEP amendment as shown at **attachment 5**.

Roadworks - New Residential Subdivisions Section 94 Plan Amendment

Within the context of the Section 94 Plan as it applies to Kelso, Council has historically had in place arrangements where collector roads have had dwellings fronting only one side of the road, the Section 94 Plan would partially contribute towards the construction of the collector road. The landowners have requested this provision be extended to the part of the land that is affected by the Planning Proposal.

It is proposed to commence an amendment to the *Roadworks - New Residential Subdivisions Section 94 Plan* which seeks to:

- Amend the schedule of works and applicable map to reflect the additional length of road;
- Amend the contribution rate applicable to developments within the Kelso area.

The impact of the proposed amendment to the Section 94 plan will be an additional cost of \$230 per lot. This would increase the total payable for the 2017/18 financial year to \$4,005.

The draft Section 94 Plan is provided at **attachment 6**.

Other matters for consideration

The land was included in the Kelso Foot Survey area of the Bathurst Regional Aboriginal Heritage Study. The survey did not identify any Aboriginal relics on the site. The Planning Proposal is unlikely to have a detrimental impact on Aboriginal relics.

Pursuant to Section 34A of the Environmental Planning and Assessment Act 1979, the draft plan is not likely to have an effect on critical habitat or threatened species populations or ecological communities. It is therefore not necessary to consult with the Director-General of the Department of Environment and Conservation before the draft plan was prepared.

Conclusion:

Council is in receipt of a Planning Proposal to alter the RU1, R1 and RE1 zone boundary at 240 Limekilns Road, Kelso. The proposal also includes minor amendments to the Bathurst Regional DCP and Roadworks – New Subdivisions Section 94 Plan. Council officers consider that the Planning Proposal, in this instance, should be supported given the positive urban design outcomes it will achieve.

It should be noted that following public exhibition of the planning proposal, development control plan amendment and Section 94 plan amendment, a report will be presented to Council for consideration to adopt the amendments. The Planning proposal will be forwarded to the Department of Planning and Environment for gazettal.

Recommendation

That Council commence a Planning Proposal, Development Control Plan and Section 94 Developer contributions plan amendments as outlined in this minute.



Neil Southorn
**DIRECTOR,
ENVIRONMENTAL PLANNING AND BUILDING SERVICES**

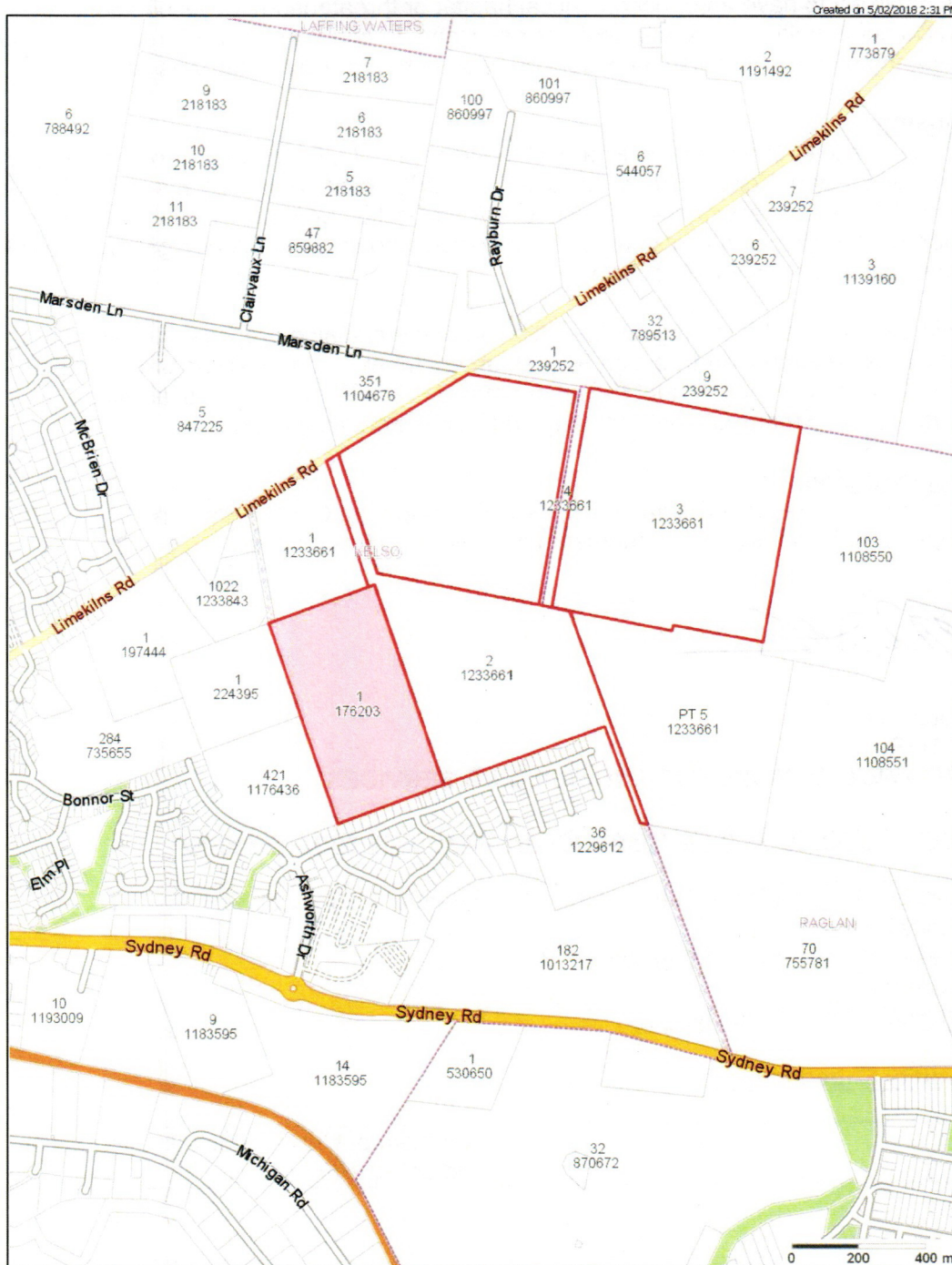
Bathurst 2036 Community Strategic Plan – Objectives and Strategies

Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.	Strategy 30.3, 30.5, 30.6
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Community Engagement:

Consult	To obtain public feedback on alternatives and/or decisions
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Attachment 1



BATHURST
REGIONAL COUNCIL

Bathurst Regional Council
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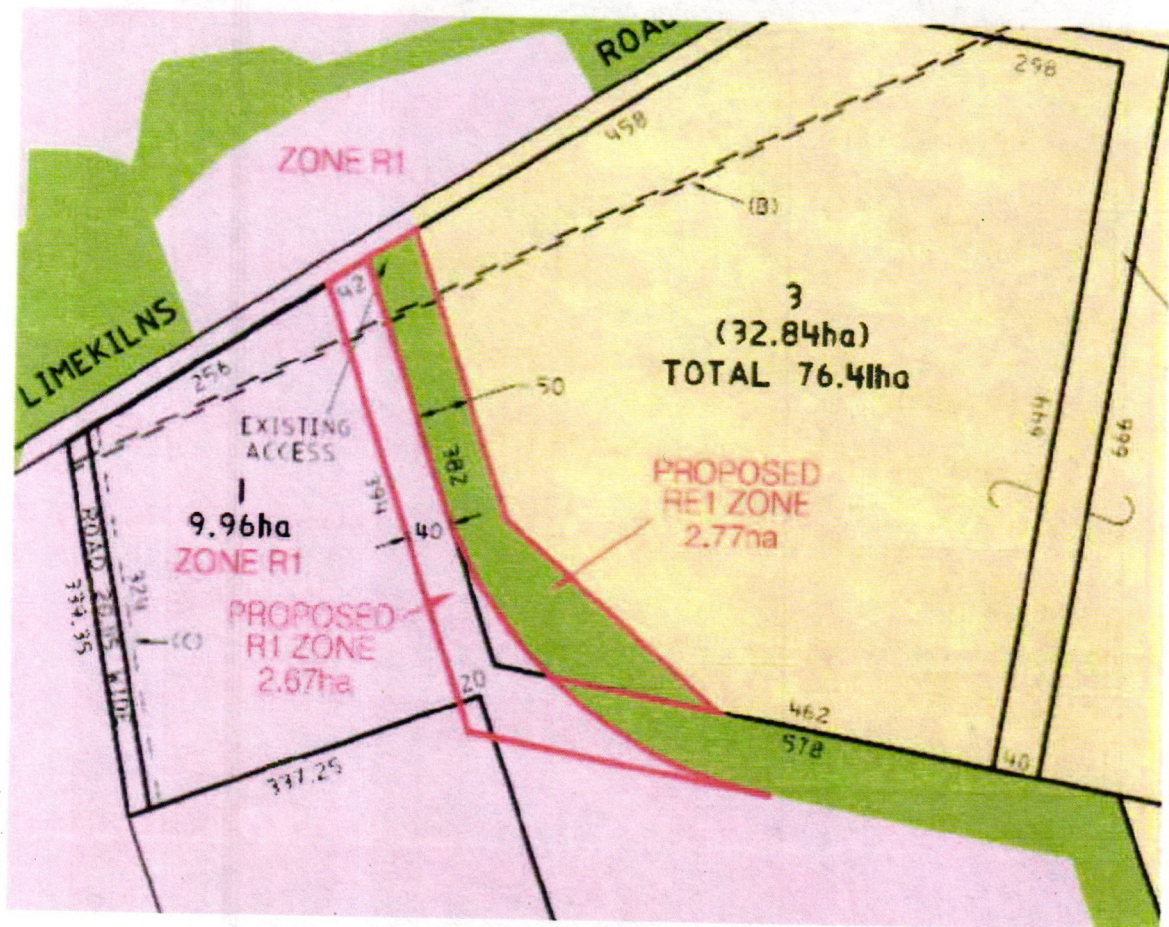
Date: 5/02/2018

Projection: GDA94 / MGA zone 55

Map Scale: 1:15000 @ A4

Map Scale: 1:15000 @ A4

Attachment 2



Attachment 3

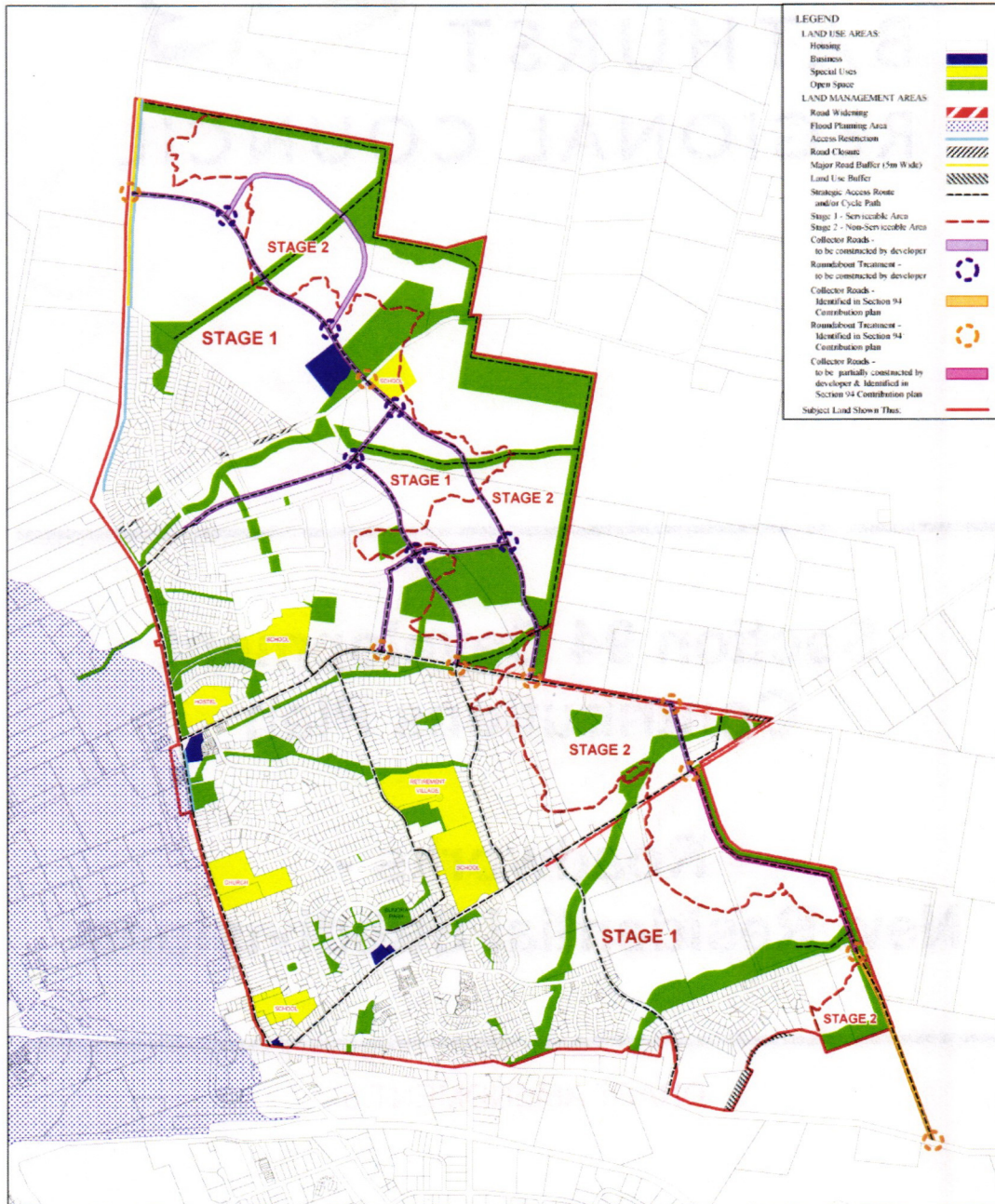


Attachment 4



Attachment 5

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 MAP No. 4 - KELSO DRAFT



ADOPTION DATE		
AMENDMENTS		
No.	DATE	DESCRIPTION
1.	19/11/2014	Roadworks Identified in Kelso Traffic Access Study 2014 (20.00277)
2.	18/03/2015	Remove 'School' label off land on Marsden Lane (20.00286)
11.	not/used	Open Space changes to match LEP amendment
13.	not/used	Open Space changes south of Limekilns Road

LOCALITY: KELSO, LAFFING WATERS

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:25,000



CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER DATE

BATHURST
REGIONAL COUNCIL



**Section 94 Development
Contributions Plan**

**Roadworks -
New Residential Subdivisions**

DRAFT AMENDMENT 5

Adopted:
Effective Date:

dd MMMM yyyy
20 September 2014

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PART A: SUMMARY SCHEDULES

Schedule 1 Road Construction

Identifier	Location	Description of works	Distance	Rate (\$ / Metre)	Estimated Cost	Completion rate
R1 (Map 1)	Durham Street Between Stewart and Esrom Street	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R2	Eglinton Road Between Esrom Street and Bradwardine Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Not commenced
R3	Eglinton Road Between Bradwardine road and Rankins Bridge	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R4	Bradwardine Road Between Eglinton Road and Suttor Street	Full width road construction to enable 4 lane carriageway.	1900m	\$1245	\$2,661,188	Not commenced
R5	Bradwardine Road Between Suttor Street and Mitchell Highway	Full width road construction to enable 4 lane carriageway.	700m	\$2101	\$1,470,656	Not commenced
R6	Ophir Road (Extension) Between Rankins Bridge and Ophir Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Commenced. 110m constructed as 2 lane carriageway.

R7	Alexander Street (Eglinton) Between Cottonwood Drive and Park Street	Half width road construction to enable 2 lane carriageway.	450m	\$1401	\$630,281	Not commenced
R8	Eleven Mile Drive Between Saltram Creek and Hamilton Street	Half width road construction to enable 2 lane carriageway.	200m	\$1401	\$280,125	Not commenced
R9 (Map 2)	Hereford Street. Between Gilmour Street and low level bridge.	Full width road construction to enable 4 lane carriageway.	1,560m	\$1319	\$2,056,429	Not commenced
R10	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 5 metres. A 43m section on the southern side of George Street extending the kerbside lane to the eastern side of the access to the Elizabeth Street Carpark.	43m	\$1283	\$55,141	Not commenced.
R11	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 8 metres. A 250m section on the southern side of George Street extending the kerbside lane from the eastern side of the access to	250m	\$1283	\$320,530	Not commenced.

Section 94 Contributions Plan

		the Elizabeth Street Carpark to Stanley Street.				
R12	Link road K Between Emerald Drive and Great Western Highway	Full width road construction to enable 2 lane carriageway.	970m	\$1834	\$1,779,271	Not commenced
R13	Link Road K Between western boundary of Lot 1 DP 176203 and southern side of the extension of Emerald Drive	Partial road construction to enable 2 lane collector carriageway.	1300m	\$551 (30% of full road construction)	\$716,300	Not commenced

Schedule 2 Intersection Construction

Identifier	Location	Description of works	Estimated Cost	Completion rate
I1 (Map 1)	Stewart Street / Durham Street intersection	Intersection Upgrade	\$525,234	Not commenced
I2	Eglinton Road / Bradwardine Road intersection	Seagull Intersection	\$525,234	Completed 2009
I3	Eglinton Road / Westborne Drive intersection	Roundabout	\$525,234	Not commenced
I4	Eglinton Road / Rankin Bridge onramp	Roundabout	\$525,234	Not commenced
I5	Evernden Road / Bradwardine Road intersection	Roundabout	\$525,234	Not commenced
I6	Suttor Street / Colville Street intersection	Roundabout	\$525,234	Not commenced
I7	Bradwardine Road / Suttor Street intersection	Roundabout	\$525,234	100% completed
I8	Lambert Street / Suttor Street / Mitre Street intersection	Roundabout	\$525,234	Not commenced
I9	Mitchell Highway / Bradwardine Road intersection	Roundabout	\$1,021,289	Completed December 2010
I10	Alexander Street / Loren Street (Eglinton) intersection	Roundabout	\$525,234	Not commenced
I11	Alexander Street / Duramana Road (Eglinton) intersection	Roundabout	\$525,434	Not commenced
I12 (Map 2)	Marsden Lane / Hughes Street	Roundabout	\$466,875	Not commenced

Section 94 Contributions Plan

	intersection			
I13	Marsden Lane / Road A intersection	Roundabout	\$466,875	Not commenced
I14	George Street / Stanley Street intersection	Upgrade to 2-lane roundabout	\$778,125	Not commenced
I15	Hereford Street / Gilmour Street intersection	Upgrade to multi lane signalised intersection	\$2,500,000	Not commenced
I16	Road K / Great Western Highway intersection	Roundabout	\$2,300,000	Not commenced
I17	Road I / Sofala Road intersection	Roundabout	\$850,000	Not commenced
I18	Road K / Limekilns Road intersection	Roundabout	\$466,875	Not commenced
I19	Road K / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I20	Road J / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I21	Road J / Laffing Waters Lane intersection	Roundabout	\$466,875	Not commenced
I22	Extension of Emerald Drive / Road K intersection	Roundabout	\$466,875	Not commenced

Schedule 3 Bridge Construction/Upgrade

Identifier	Location	Description of works	Estimated Cost	Completion rate
B1 (Map 2)	Hereford Street low level bridge	Duplication of the existing low level bridge to accommodate 4 travel lanes, including approach works between Stanley Street and low	\$1,556,250	Not commenced

		level bridge on western side of Macquarie River		
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FOR PUBLIC EXHIBITION

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, Roadworks – New Residential Subdivisions".

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

Plan Title	Amendments	Adoption Date	Amendment Number
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	New Plan	September 1997	0
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none">• Additional allotments for Eglinton.• Revision of the schedule of works for roads and intersections• Revision of format.	17 October 2012	1
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none">• New Kelso catchment.• Additional allotments in Kelso.• Additional schedule of works based on the Kelso Traffic Access Study.• Revision of value of works for all catchments.• Revision of works completed for all catchments.• Update LEP & DCP references.	20 September 2014	2
Section 94 Development Contributions Plan,	<ul style="list-style-type: none">• Revision of estimated cost of works for	9 December 2015	3

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions

Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> intersections I15, I16 & I17 based on advice from the RMS. Revision of value of works for all catchments. Revision of works completed for all catchments. 		
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> Insertion of Section 1.15, 3.9 & 4.4 relating to the Plan Management and Administration. 	14 December 2016	4
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> Revision of roadworks R13. Revision of estimated cost of works for roadworks R13. 	dd MMMM yyyy	5

1.2 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 1994. The Plan was originally adopted by Council at its meeting held 18 September 1997 and took effect from the date on which public notice was published, pursuant to clause 30 of the EP&A Regulation, 1994.

The development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. Amendment 1 of the Plan was adopted by Council at its meeting held 17 October 2012 and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 20 October 2012.

The development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. Amendment 2 of the Plan was adopted by Council at its meeting held 17 September 2014 and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 20 September 2014.

1.3 Land to Which the Plan Applies

The Plan applies to land bounded by the heavy black line on the series of maps marked "Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions" attached to this Plan.

1.4 Purpose of the Plan

The primary purpose of this Plan is to satisfy the requirements of the Act and Regulations to enable the Council to require a contribution towards the provision or extension of roadworks and intersection treatments that will, or are likely to be, required as a consequence of development in the area or that have been provided in anticipation of or to facilitate such development.

Other purposes of this Plan are to:

- (i) Provide a comprehensive works schedule of the road and intersection works included in the Plan;
- (ii) Provide for the construction and upgrading of the road network within the new subdivision areas of Abercrombie, Eglinton, Kelso, Llanarth and Windradyne;
- (iii) Ensure that Council has sufficient funding to undertake the upgrading of existing roads in this area as a result of residential and other traffic generating development;
- (iv) Ensure that the future road infrastructure has sufficient capacity to cater for the expected road volumes as a result of development in the area;
- (v) Ensure that funding of roadworks identified under this plan is provided in a fair and equitable manner between future road users; and
- (vi) Ensure that the existing community is not burdened by the provision of road and intersection works 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 (Interim) Local Environmental Plan 2005, as amended, the Bathurst Regional (Interim) Development Control Plan 2011, as amended, the Bathurst Regional Local Environmental Plan 2014, as amended and the Bathurst Regional Development Control Plan 2014, as amended.

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

1.6 When Contributions are to be Paid

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

Development type	Payment required
a dual occupancy, granny flat (secondary dwelling) 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.
a business or special use development	prior to the issue of a Construction

	Certificate from Council or an accredited certifier.
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Note: Where a developer contribution has already been made for a residential lot under a previous version of the Bathurst Roadworks – New Residential Subdivisions Developer Contribution Plan (September 1997), a credit will be given equivalent to 1 x residential allotment.

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

Construction certificates

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

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

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

Complying Development Certificates

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

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

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

1.8 Council's Policy on Periodic Payments

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

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis adjusted to the applicable rate, in accordance with Section 1.10 of this Plan.

1.9 Council's Policy on the Acceptance of Material Public Benefit (including works in kind)

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

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

- What WIK are proposed;
- The value of the WIK proposed;
- The timing of the provision of the WIK;
- What cash contributions it is proposed to offset.

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

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

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

1.10 Review of Contribution Rates

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

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

The contribution 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 from paying contributions under this Plan 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.

1.13 Pooling of Contributions

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

The priorities for the expenditure of the levies are shown in the works schedule.

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.

1.15 ADMINISTRATION OF THE PLAN

1.15.1 MANAGEMENT COSTS OF THE PLAN

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly, costs associated with the ongoing administration and management of the contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the contributions schedule and the method of calculation is described in Section 1.16 of this Plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

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

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

Section 3.4.2.3 of the Practice Note identifies that:

Plan administration costs may include:

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

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

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 URBAN CHARACTERISTICS

2.1 Area

Bathurst Regional Local Government Area covers an area of approximately 3,821 square kilometres and is located in the Central West region of New South Wales. The subject area represents some of the major growth areas of residential land.

2.2 Population

The table below outlines the estimated populations for each of the catchment areas and indicates the average people per household, based on the 2011 Census. (ABS, 2012)

	Existing population	Existing number of dwellings or approved lots	Estimated number of additional dwellings	Estimated population increase
Abercrombie – Llanarth	2766	1079	661	2016
Eglinton	2109	752	612	1775
Kelso	7725	2930	4436	11977
Windradyne	2831	1132	535	1391

Note 1 The estimated number of additional dwellings is based on 8 lots per hectare.

Note 2 The estimated population increase is the number of dwellings x the average people per household.

	Abercrombie	Llanarth	Eglinton	Kelso	Windradyne
Average persons per dwelling	3.1	3.0	2.9	2.7	2.6
Average for Abercrombie/Llanarth	3.05				

(ABS, 2014)

3.0 PLAN OBJECTIVES

The roadworks and intersection treatments are required to meet the new population to full development of the subject area.

This Plan identifies:

- the demand for the facilities likely to be required as a result of the urban development and redevelopment in the subject area;
- the roadworks and intersection treatments 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.

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.

The suburbs of Abercrombie, Eglinton, Kelso, Llanarth and Windradyne represent the main residential growth areas for the western expansion of the City of Bathurst.

The traffic routes identified within this plan provide for both internal travel within the development area and also link the subject land to major commercial and industrial areas within the City of Bathurst.

The growth expected in these areas is going to result in a considerable increase in the amount of traffic using the existing roads, and also in the need to construct new roads to accommodate anticipated traffic volumes. The works identified in this Plan for Kelso have been identified in the Kelso Traffic Access Study 2014.

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 roadworks and intersection treatments identified within this Plan is apportioned to the additional population only. The additional population has created the demand for an improved road network and intersection treatments.

3.3 Reasonableness

The principle of reasonableness refers to whether the amount levied is a reasonable contribution from the point of view of the industry's ability to pay and any economic

development policies Council may have from time to time. All contributions in this plan fully satisfy this principle.

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

Council has identified substantial land within the subject area for residential expansion. The land identified to be available for residential development within this area includes:

- (a) That land zoned residential (i.e. 2(a) Residential, R1 General Residential or R2 Low Density Residential) under either the Bathurst Regional (Interim) Local Environmental Plan 2005 or the Bathurst Regional Local Environmental Plan 2014; and
- (b) That land identified in the Bathurst Regional (Interim) Development Control Plan 2011 Map No. 4 (Eglinton), Map No. 5 (Kelso) and Map No. 6 (Abercrombie, Llanarth, Windradyne) and Bathurst Regional Development Control Plan 2014 Map No. 3 (Eglinton), Map No. 4 (Kelso) and Map No. 5 (Abercrombie, Llanarth, Windradyne).

Map No. 3, 4 & 5 of the Bathurst Regional Development Control Plan 2014 identifies sufficient land to accommodate a further 6,244 residential allotments on land zoned for residential subdivision. Details of the existing and proposed residential development are provided in Table 1 below. The boundaries of the catchment areas are shown on the series of maps to this plan.

It is important to note that in relation to calculating the contributions, the total number of residential allotments have been used for Abercrombie/Llanarth, Eglinton and Windradyne. For the Kelso catchment, the Kelso Traffic Access Study identified the works required as a result of the population increase. The Kelso Traffic Access Study identified some works which would be required if no further land were to be zoned and these works have been excluded from this Plan. Given that the Kelso Traffic Access Study identified the works required as a result of the additional allotments, it is justified that the contribution is applied to the proposed allotments rather than the total allotments.

Residential Allotments	Area 1 (Windradyne)	Area 2 (Abercrombie / Llanarth)	Area 3 (Eglinton)	Area 4 (Kelso)	TOTAL
Existing	1132	1079	752	2930	5893
Proposed	535	661	612	4436	6244
TOTAL	1667	1740	1364	7366	12137

Table 1 - Existing and proposed residential development

3.6 Meeting Needs of the Population

The incoming population will be primarily distributed on the fringe of the suburbs of Abercrombie, Kelso, Llanarth and Windradynne and on the fringe of the village of Eglinton with some penetration into existing built up areas. This additional population will create increased demand for roads, intersections and administration of this section 94 Plan.

3.7 Traffic Catchments and Movements

For the purposes of providing a more equitable distribution of funding between specific users of the road network individual catchment areas have been identified. Roadwork costs identified under this plan have been distributed amongst the various catchments in accordance with their propensity to gain benefit from each roadwork component identified by this plan.

The individual catchment areas are identified on the series of maps entitled "Section 94 Contributions Plan - New Residential Subdivisions" attached to this Plan.

3.8 Kelso Urban Release Area

Council, in developing this Section 94 Developer Contributions Plan, has taken into consideration comments from the Roads and Maritime Service (RMS) in relation to the identified infrastructure upgrades for the Kelso catchment. It is acknowledged that the NSW Department of Planning and Environment (DP&E) have not requested a State Public Infrastructure contribution and as such, Council has amended its S94 Plan accordingly. Amendment 3 of this Plan, adopts the contribution rate advised by the RMS in their submission to DP&E dated 12 June 2015.

3.9 PLAN MANAGEMENT AND ADMINISTRATION

- **NEXUS**

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

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

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

- **CONTRIBUTION CATCHMENT**

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

- **FACILITIES STRATEGY**

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

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

4.0 SCHEDULE OF WORKS

4.1 Road Construction

Identifier	Location	Description of works	Distance	Rate (\$ / Metre)	Estimated Cost	Completion rate
R1 (Map 1)	Durham Street Between Stewart and Esrom Street	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R2	Eglinton Road Between Esrom Street and Bradwardine Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Not commenced
R3	Eglinton Road Between Bradwardine road and Rankins Bridge	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R4	Bradwardine Road Between Eglinton Road and Suttor Street	Full width road construction to enable 4 lane carriageway.	1900m	\$1245	\$2,661,188	Not commenced
R5	Bradwardine Road Between Suttor Street and Mitchell Highway	Full width road construction to enable 4 lane carriageway.	700m	\$2101	\$1,470,656	Not commenced

R6	Ophir Road (Extension) Between Rankins Bridge and Ophir Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Commenced. 110m constructed as 2 lane carriageway.
R7	Alexander Street (Eglinton) Between Cottonwood Drive and Park Street	Half width road construction to enable 2 lane carriageway.	450m	\$1401	\$630,281	Not commenced
R8	Eleven Mile Drive Between Saltram Creek and Hamilton Street	Half width road construction to enable 2 lane carriageway.	200m	\$1401	\$280,125	Not commenced
R9 (Map 2)	Hereford Street. Between Gilmour Street and low level bridge.	Full width road construction to enable 4 lane carriageway.	1,560m	\$1319	\$2,056,429	Not commenced
R10	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 5 metres. A 43m section on the southern side of George Street extending the kerbside lane to the eastern side of the access to the Elizabeth Street Carpark.	43m	\$1283	\$55,141	Not commenced.
R11	George Street (east). Between Durham Street and	Widening carriageway by 8 metres. A 250m section on the	250m	\$1283	\$320,530	Not commenced.

	Stanley Street.	southern side of George Street extending the kerbside lane from the eastern side of the access to the Elizabeth Street Carpark to Stanley Street.				
R12	Link road K Between Emerald Drive and Great Western Highway	Full width road construction to enable 2 lane carriageway.	970m	\$1834	\$1,779,271	Not commenced
R13	Link Road K Between western boundary of Lot 1 DP 176203 and southern side of the extension of Emerald Drive	Partial road construction to enable 2 lane collector carriageway.	1300m	\$551 (30% of full road construction)	\$716,300	Not commenced

Table 2 - Roadwork construction works

4.2 Intersection Construction

Identifier	Location	Description of works	Estimated Cost	Completion rate
I1 (Map 1)	Stewart Street / Durham Street intersection	Intersection Upgrade	\$525,234	Not commenced
I2	Eglinton Road / Bradwardine Road intersection	Seagull Intersection	\$525,234	Completed 2009
I3	Eglinton Road / Westborne Drive intersection	Roundabout	\$525,234	Not commenced
I4	Eglinton Road / Rankin Bridge	Roundabout	\$525,234	Not commenced

	onramp			
I5	Evernden Road / Bradwardine Road intersection	Roundabout	\$525,234	Not commenced
I6	Suttor Street / Colville Street intersection	Roundabout	\$525,234	Not commenced
I7	Bradwardine Road / Suttor Street intersection	Roundabout	\$525,234	100% completed
I8	Lambert Street / Suttor Street / Mitre Street intersection	Roundabout	\$525,234	Not commenced
I9	Mitchell Highway / Bradwardine Road intersection	Roundabout	\$1,021,289	Completed December 2010
I10	Alexander Street / Loren Street (Eglinton) intersection	Roundabout	\$525,234	Not commenced
I11	Alexander Street / Duramana Road (Eglinton) intersection	Roundabout	\$525,434	Not commenced
I12 (Map 2)	Marsden Lane / Hughes Street intersection	Roundabout	\$466,875	Not commenced
I13	Marsden Lane / Road A intersection	Roundabout	\$466,875	Not commenced
I14	George Street / Stanley Street intersection	Upgrade to 2-lane roundabout	\$778,125	Not commenced
I15	Hereford Street / Gilmour Street intersection	Upgrade to multi lane signalised intersection	\$2,500,000	Not commenced
I16	Road K / Great Western Highway intersection	Roundabout	\$2,300,000	Not commenced
I17	Road I / Sofala	Roundabout	\$850,000	Not commenced

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	Road intersection			
I18	Road K / Limekilns Road intersection	Roundabout	\$466,875	Not commenced
I19	Road K / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I20	Road J / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I21	Road J / Laffing Waters Lane intersection	Roundabout	\$466,875	Not commenced
I22	Extension of Emerald Drive / Road K intersection	Roundabout	\$466,875	Not commenced

Table 3 - Intersection construction works

4.3 Bridge construction/upgrade works

Identifier	Location	Description of works	Estimated Cost	Completion rate
B1 (Map 2)	Hereford Street low level bridge	Duplication of the existing low level bridge to accommodate 4 travel lanes, including approach works between Stanley Street and low level bridge on western side of Macquarie River	\$1,556,250	Not commenced

Table 4 - Bridge construction/upgrade works

4.4 Plan administration and management

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

Estimate 1% of all development contributions payable.

At the commencement of the Plan, it is estimated that the maximum contribution from the Plan towards administration and management costs is \$352,126.80.

4.5 Estimated Construction Costs

For the purposes of this plan the costs of construction of the roadworks identified have been based on Council's recently constructed projects and "Rawlinsons Australian Construction Handbook 2014". The estimated costs for the Kelso catchment are outlined in the Kelso Traffic Access Study.

5.0 DISTRIBUTION OF COSTS

5.1 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

$$C_{proj} = \frac{TC}{Sum(T_{lots})}$$

$$C_{lot} = Sum(C_{proj} \text{ per } catchment)$$

C_{proj} = the contribution rate per project

TC = the total cost to Bathurst Regional Council (less any grant or reserve funds)

T_{lot} = the total estimated existing and proposed residential lots within the benefiting contribution area(s)

C_{lot} = the contribution rate per lot

The costs identified in Part 4 of this Plan are distributed among the catchment areas as shown on the map to this Plan in Table 4 below:

ROAD	COST	AREA WHICH BENEFITS	CONTRIBUTION			
			AREA 1	AREA 2	AREA 3	AREA 4
			\$ PER LOT	\$ PER LOT	\$ PER LOT	\$ PER LOT
R1	\$2,241,000	1, 2 & 3	\$469.71	\$469.71	\$469.71	
R2	\$1,820,813	1, 2 & 3	\$381.64	\$381.64	\$381.64	
R3	\$2,241,000	2 & 3		\$721.97	\$721.97	
R4	\$2,661,188	1, 2 & 3	\$557.78	\$557.78	\$557.78	
R5	\$1,470,656	1, 2 & 3	\$308.25	\$308.25	\$308.25	
R6	\$1,820,813	2 & 3		\$586.60	\$586.60	
R7	\$630,281	3			\$462.08	
R8	\$280,125	3			\$205.37	
R9	\$2,056,429	4				\$463.58
R10	\$55,141	4				\$12.43
R11	\$320,530	4				\$72.26
R12	\$1,779,271	4				\$401.10
R13	\$716,300	4				\$161.47
I1	\$583,594	1, 2 & 3	\$122.32	\$122.32	\$122.32	
I2	\$525,234	1, 2 & 3	\$110.09	\$110.09	\$110.09	
I3	\$525,234	2 & 3		\$169.21	\$169.21	
I4	\$525,234	2 & 3		\$169.21	\$169.21	
I5	\$525,234	1 & 2	\$154.16	\$154.16		

I6	\$525,234	2		\$301.86		
I7	\$525,234	1, 2 & 3	\$110.09	\$110.09	\$110.09	
I8	\$525,234	1	\$315.08			
I9	\$1,021,289	1, 2 & 3	\$214.06	\$214.06	\$214.06	
I10	\$525,234	3			\$385.07	
I11	\$525,234	3			\$385.07	
I12	\$466,875	4				\$105.25
I13	\$466,875	4				\$105.25
I14	\$778,125	4				\$175.41
I15	\$2,500,000	4				\$563.57
I16	\$2,300,000	4				\$518.49
I17	\$850,000	4				\$191.61
I18	\$466,875	4				\$105.25
I19	\$466,875	4				\$105.25
I20	\$466,875	4				\$105.25
I21	\$466,875	4				\$105.25
I22	\$466,875	4				\$105.25
B1	\$1,556,250	4				\$350.82
TOTAL	\$36,300,358		\$2,743	\$4,377	\$5,359	\$3,788
	Lots/area		1667	1740	1364	4436

Table 5 - Distribution of costs by area

The rates in Table 4 will be adjusted on 1 July annually in accordance with Section 1.10 of this Plan.

	Cost Per Lot
Area 1	\$2,743
Area 2	\$4,377
Area 3	\$5,359
Area 4	\$3,788

For granny flats/secondary dwellings, 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%

5.1 Timing of Works

The rate of development of each particular area is dependent upon a number of factors and is therefore difficult to accurately depict. Council estimates that sufficient land stocks have been identified within the subject area to accommodate residential development for an additional 20 years.

Details of the anticipated staging of the works identified in this plan are available in Council's 4 year Delivery Plan.

6.0 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.

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

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

Development means:

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

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

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

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

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

Planning authority means:

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

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

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

Public includes a section of the public.

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

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

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

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

Region means the Bathurst Regional Council Local Government Area.

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

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

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

7.0 References:

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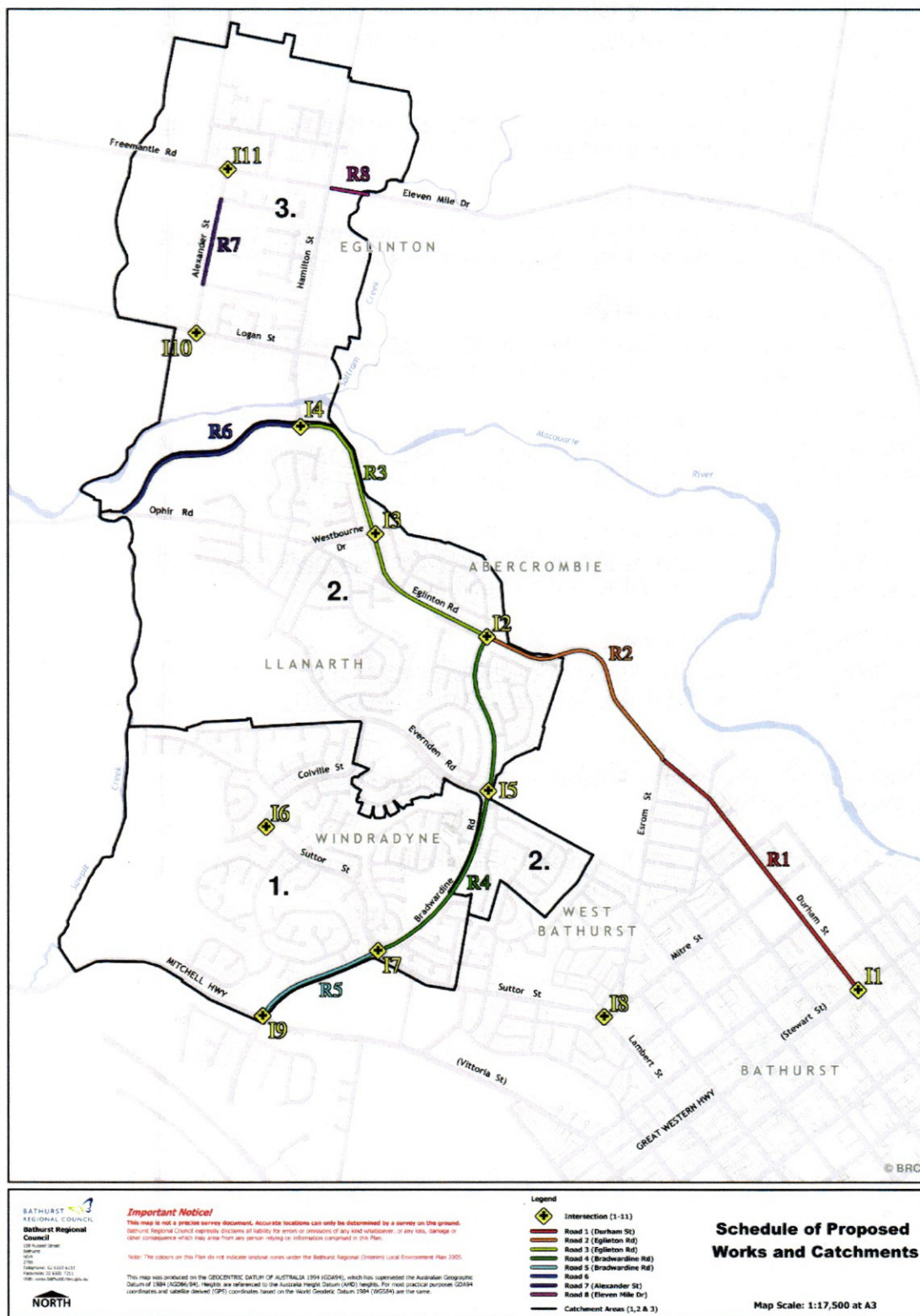
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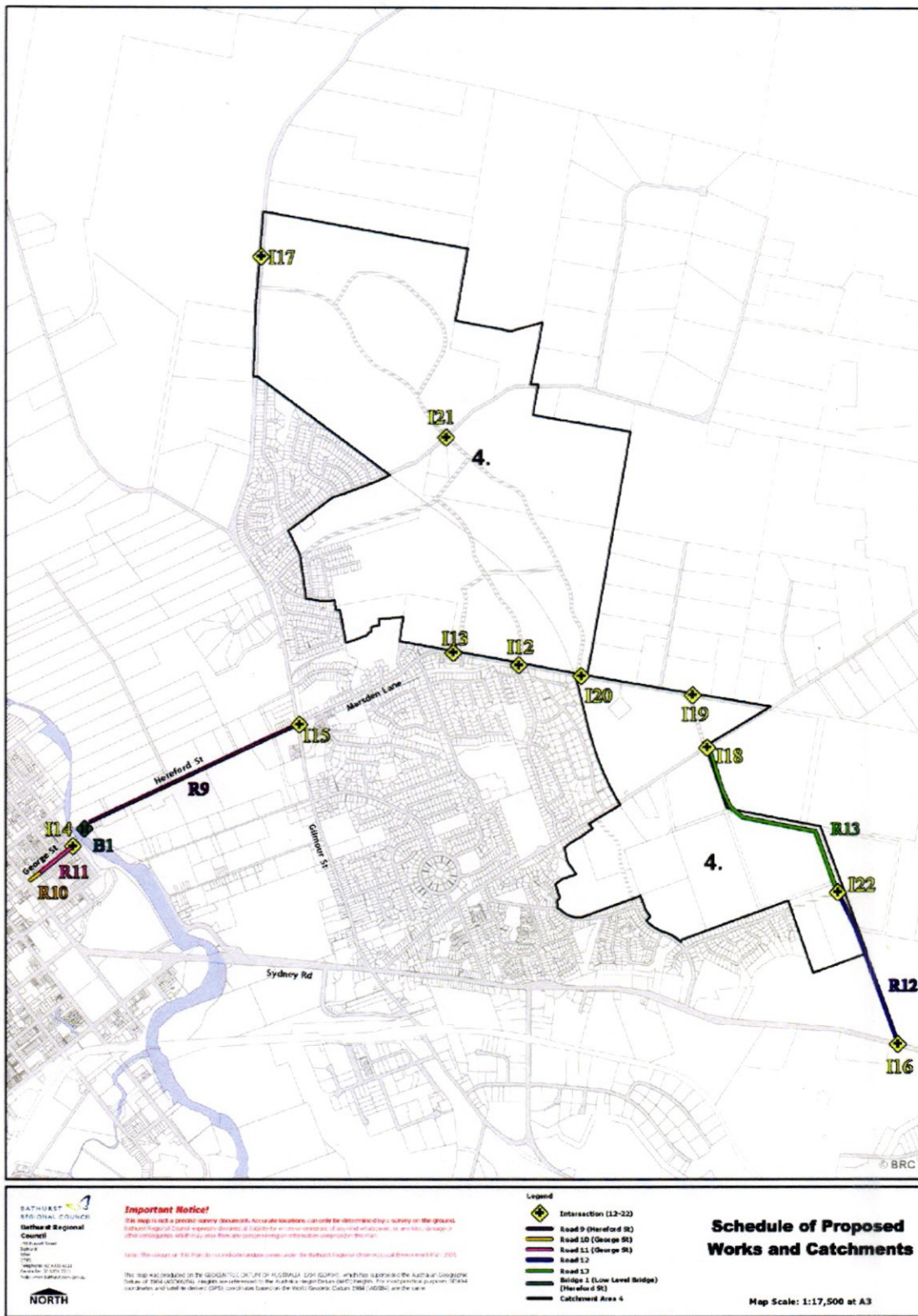
8.0 Map



Map 1

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions



Map 2

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions