

D2023-492 Part 1
Parcel 63356
TRSM:TS

17 June 2024

Berakah Christian Education Ltd
C/- Stanton Dahl Architects
PO Box 1216
DUBBO NSW 2830



Dear Sir/Madam

DEVELOPMENT APPLICATION D2023-492

Property: Lot: 1011 DP: 1261855, 141 Sheraton Road DUBBO
Proposed development: School building

Reference is made to your request for a waiver from payment in relation to Section 64 and Section 7.11 developer contributions on the proposed development as detailed in the submitted Statement of Environmental Effects (Report No. P000590/SEE, rev: 001A, dated 12 October 2023).

Council has previously provided the following response in relation to your waiver request:

The SEE requests an exemption to contributions due to the perceived public benefit the proposed development would have. It is noted Council's Section 64 and Urban Stormwater Drainage plans do not provide any parameters for granting a waiver/exemption from payment.

Council's Roads, Traffic Management and Carparking Plan states the following in relation to exemptions/waivers:

... Council may consider adjustment or waiver of Section 94 Contributions (either in full or in part) as they apply to individual applications. The following are provided as example of such circumstances:

- (a) Where previous contributions have been paid on a particular property towards the planning need for which the contribution is to be levied and where it can be demonstrated that this can be attributed to the current development (i.e. that the demand for which the previous contribution was levied has not been realised and will be superseded by the current development application); or*
- (b) Where a material public benefit has been obtained by council in lieu of a monetary contribution for the purposes outlined in (a) above; or*



All communications to: **CHIEF EXECUTIVE OFFICER**

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 **F** (02) 6801 4259 **E** council@dubbo.nsw.gov.au

Civic Administration Building Church St Dubbo NSW 2830

W dubbo.nsw.gov.au

- (c) *Where the applicant can demonstrate that the development does not generate demand for public amenities or services, or generates demand at a lower quantum than the rates set out in part 4 of this plan.*

Council has a strong preference for a negotiated outcome. However, in the event that an agreement cannot be reached, Council will commission a competent consultant funded by the applicant to resolve the matter.

The request for an exemption does not address (a) – (c) above and as such no exemption can be considered.

In response to Council's comments above, it is noted supporting documentation for a waiver to Section 64 and 7.11 contributions was submitted by Stanton Dahl Architects dated 12 December 2023.

The response states:

The proposed building will not bring an immediate influx of students if you refer to the school student data below 2002 had more enrolments than currently. Next year the school is forecasting 665 students over the entire site. Therefore, contributions have already been proportionality made in the past. A key change is societal and educational expectations of smaller class sizes, which means that more rooms e.g., 30 kids in a class in the 1990's is no longer acceptable in kindergarten or in Year 7. Each new classroom has less student numbers and, in this proposal, its 24 students per class. The Masterplan has removed two demountable, but also sees the school repurpose 4 classrooms for secondary as our high school.

A review of the applications related to the use of the site as a school has revealed that due to its age, no contributions were levied on the original application (D85-283) as Contributions Plans did not exist. Additionally, each of the applications for classroom buildings or refurbishment of existing buildings into classrooms (B87-265, B87-497, B86-75, D90-251, B89-392, B85-28 etc.) were not levied contributions, again as no Contributions Plan existed at the time. It is noted that newer applications for classroom buildings were granted consent under Complying Development Certificates (CD17-119, CD19-037, CD20-011) through a Private Certifier and no contributions were levied as part of these applications.

As such, Council has no record of Dubbo Christian School paying any developer contributions since commencing operation. Consequently, Section 64 and 7.11 contributions will be levied as part of this application based on the increase in enrolment capacity the proposed development is expected to result in (88 students), not the entire enrolment capacity of 741 students.

Please note: Future development applications which result in an increase in enrolment capacity (above 741 students) will also be levied contributions accordingly.

If you have any enquiries in this matter, please do not hesitate to contact Council's Senior Planner, Tracie Smart during normal office hours, on 6801 4000.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Quigley', with a stylized flourish at the end.

Darryll Quigley
Manager Building and Development Services