DUBBO REGIONAL COUNCIL

North-West Urban Release Area Infrastructure Contributions Plan 2024

Acknowledgement:

Dubbo Regional Council wish to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. Council pay respect to the Elders past, present and emerging of the Wiradjuri Nation and extend that respect to other First Nations peoples.

Dubbo Regional Council North-West Urban Release Area Infrastructure Contributions Plan 2024 (NWURA)

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Enquiries

For information contact Dubbo Regional Council
Growth Planning Team - Infrastructure Contributions
Phone: **02 6801 4000**

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EXECUTIVE SUMMARY

Between 2024 and 2039 Council forecasts an additional 12,500 - 15,000 residents, 4,500 - 5,500 residential lots and other forms of residential accommodation, and a commercial precinct in the North-West Urban Release Area (NWURA). The urban release area is a significant development precinct that will generate an increase in demand for roads, open space, and stormwater infrastructure.

This Plan is Council's Infrastructure Contributions Plan (2024) and has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. This enables Council or a registered certifier to impose conditions of consent requiring monetary contributions from development for the provision of infrastructure that is required to meet the demands of new development.

This Plan will ensure that adequate roads, open space, and stormwater infrastructure is provided to meet the demand generated by new development.

This Plan caters for a planning period from 2024 to 2039. This timing generally aligns with various NSW State Government and Council strategies and is within the horizon of residential population forecasts utilised by Council for planning and infrastructure purposes. This Plan will be monitored regularly to ensure that infrastructure is provided as development proceeds. Cost estimates will also be monitored during the life of the Plan to ensure that they reflect current costs. If necessary, amendments will be made to the Plan.

Summary of monetary contributions by development type

A development may be required to pay either Section 7.11 contribution or a Section 7.12 levy, depending on the type of development. A single development can only be subject to either a Section 7.11 contribution or a Section 7.12 levy, not both.

Table 1 and **Table 2** is a summary of the contribution mechanism and infrastructure contribution rates.

Table 1: Summary of infrastructure contribution rate by development type:	
Development type – Section 7.11 Contribution	**Contribution**
Small residential lot (subdivision) ≤ 250m^2	$14,694.10
Residential lot (subdivision) > 250m^2	$20,000.00
Dwelling with 1 bedroom	$10,612.40
Dwelling with 2 bedrooms	$14,694.10
Dwelling with 3 or-more bedrooms	$20,000.00
Tourist and Visitor Accommodation – per bed	$8,163.40

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Note: other development is subject to a Section 7.12 levy. See **Table 2**.

Table 2: Summary of infrastructure levy by development type:	
Proposed cost of development – Section 7.12 Levy	**Percentage of the cost of works**
Less than and including $100,000	Nil
More than $100,000 and up to and including $200,000	0.5%
More than $200,000	1.0%
Note: For **mixed use** development, the contribution mechanism will be whichever is the greater contribution amount.	

Cost of infrastructure identified in this Plan

This Plan includes a schedule of infrastructure works valued at **$102,042,200**, which is planned to be delivered between 2024 to 2039. The total cost of the infrastructure is attributed to all future development within the precinct.

Table 3 is a summary of the infrastructure included in the work schedule and the anticipated cost to new development:

Table 3: Summary of work schedule:	
Description	**Cost to new development**
Roads	$66,592,200
Open Space	$22,950,000
Stormwater	$10,000,000
Plan Preparation and Administration	$2,500,000
TOTAL	**$102,042,200**
Note: The cost of works identified in the work schedules **exceeds** the capped $20,000 contribution.	

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Summary of the capped contribution rates

Table 4 shows the capped contribution rates and what will be collected under this Plan for Section 7.11 contributions.

Table 4: Capped contribution rates						
Description	**Per person**	**Lot ≤ 250m²**	**Lot > 250m²**	**Dwelling with 1 bedroom**	**Dwelling with 2 bedrooms**	**Dwelling with 3 or-more bedrooms**
Roads	$5,327.40	$9,589.30	$13,057.80	$6,925.60	$9,589.30	$13,051.90
Open Space	$1,836	$3,304.80	$4,496.80	$2,386.80	$3,304.80	$4,498.10
Stormwater	$800	$1,440	$1,955.40	$1,040	$1,440	$1,960
Administration	$200	$360	$490	$260	$360	$490
Total	**$8,163.40**	**$14,694.10**	**$20,000**	**$10,612.40**	**$14,694.10**	**$20,000**

Note: Council will apply a $20,000 cap to contributions. However, should Council be approved to levy in excess of $20,000, this Plan will automatically charge at the higher rate.

Summary of the full costs and uncapped contribution rates

Table 5 shows the full costs and uncapped contribution rates and what will be collected under this Plan for Section 7.11 contributions.

Table 5: Full costs and uncapped contribution rates						
Description	**Per person**	**Lot ≤ 250m²**	**Lot > 250m²**	**Dwelling with 1 bedroom**	**Dwelling with 2 bedrooms**	**Dwelling with 3 or-more bedrooms**
Roads	$5,327.40	$9,589.30	$14,916.70	$6,925.60	$9,589.30	$14,916.70
Open Space	$1,836	$3,304.80	$5,140.80	$2,386.80	$3,304.80	$5,140.80
Stormwater	$80	$1,440	$2,240	$1,040	$1,440	$2,240
Administration	$200	$360	$560	$260	$360	$560
Total	**$8,163.40**	**$14,694.10**	**$22,857.50**	**$10,612.40**	**$14,694.10**	**$22,857.50**

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PART 1 INTRODUCTION

1.1 Name of this Plan

This Plan is known as the North-West Urban Release Area Infrastructure Contributions Plan (2024).

1.2 Land to which the Plan applies

This Plan applies to land in the North-West Urban Release Area (NWURA), identified in **Figure 1** below.

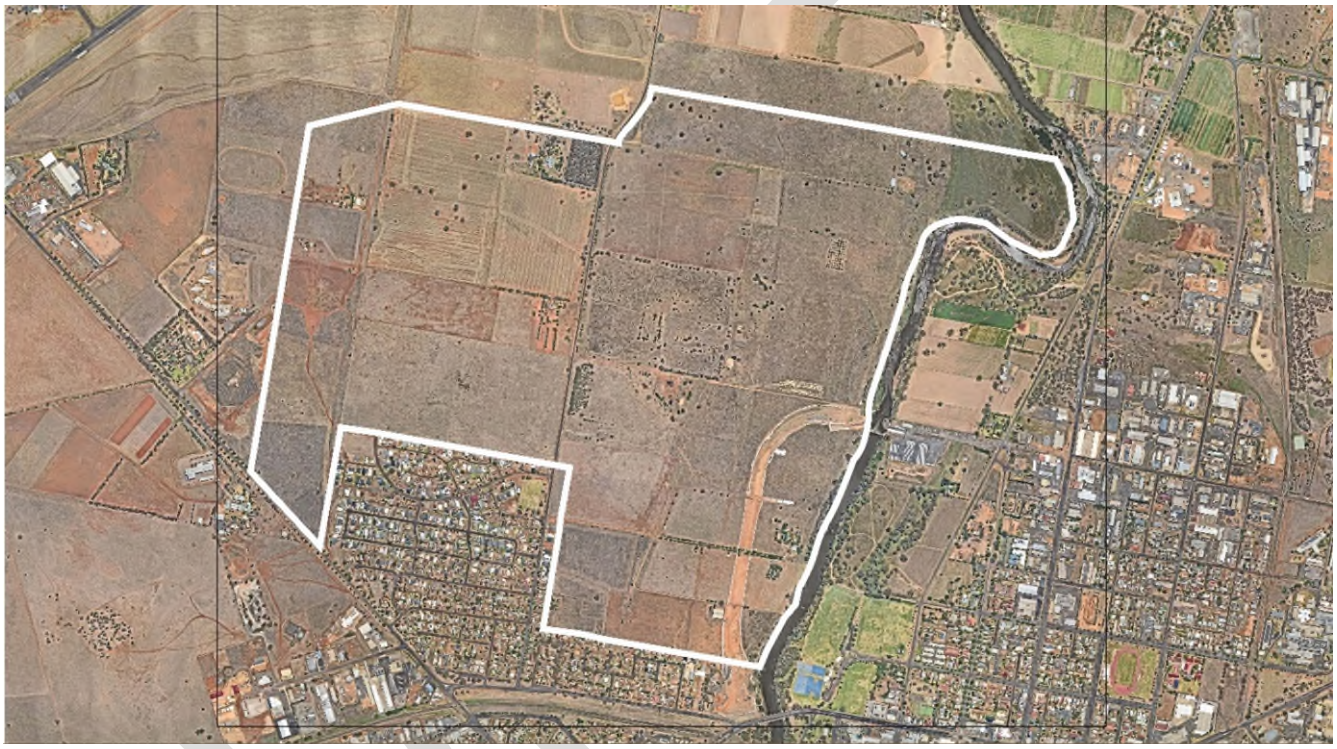

Figure 1 – Land to which this Plan applies

1.3 Objectives of this Plan

The objectives of this Plan are to:

- ensure that adequate transport, open space, and stormwater infrastructure is provided to meet the demands generated by new development;
- establish the relationship between the expected development and proposed local infrastructure to demonstrate that the section 7.11 contributions are reasonable.
- authorise Council or a registered certifier to impose Section 7.11 contributions or Section 7.12 levies on development consents or complying development certificates;
- provide an administrative framework under which specific infrastructure strategies may be implemented and coordinated;
- provide the framework for the assessment, collection, expenditure, accounting, and

review of infrastructure contributions on an equitable basis; and
- ensure that the existing community is not burdened by the provision of infrastructure required by new development.

In order to impose a Section 7.11 contribution or Section 7.12 levy on a development consent or complying development certificate, Council or a registered certifier must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for infrastructure for which the contribution is required as detailed in this Plan.

1.4 Commencement of the Plan

This Plan has been prepared by Council in accordance with the *Environmental Planning and Assessment Act 1979* (The Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

This Plan was adopted by Council on XX/XX/2024 and commenced on **XX/XX/2024**.

1.5 Savings and transitional arrangements

A development application or complying development certificate which has been submitted but not determined prior to the commencement of this Plan shall be determined in accordance with this Plan.

1.6 Infrastructure addressed by this Plan

Infrastructure Contributions are required for the following types of public facilities and services:

- Roadworks and Transport Infrastructure;
- Open Space and Recreation;
- Drainage, Stormwater and Water Quality Control; and
- Plan Preparation and Administration.

Details of the public amenities and services required to satisfy the demand generated by the anticipated development, and the cost and proposed timing of these amenities and services, can be found in **Appendix A**.

1.7 Development to which this Plan applies

This Plan applies to development that is shown on the land in **Figure 1**, that requires consent, including complying development.

1.8 Exemptions and reductions

This Plan does not apply to development exempted by a direction made by the Minister for Planning under section 7.17 of the Act.

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1.9 Glossary

The meanings of key words and terms used in this Plan are contained in the Glossary attached to this Plan.

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PART 2 HOW TO USE THIS PLAN

2.1 Determining the contribution type

A development may be required to pay either Section 7.11 contributions or a Section 7.12 levy, depending on the type of development. A single development can only be subject to either a Section 7.11 contribution **or** a Section 7.12 levy, not both.

The process for determining the contribution or levy is shown in **Figure 2** below.

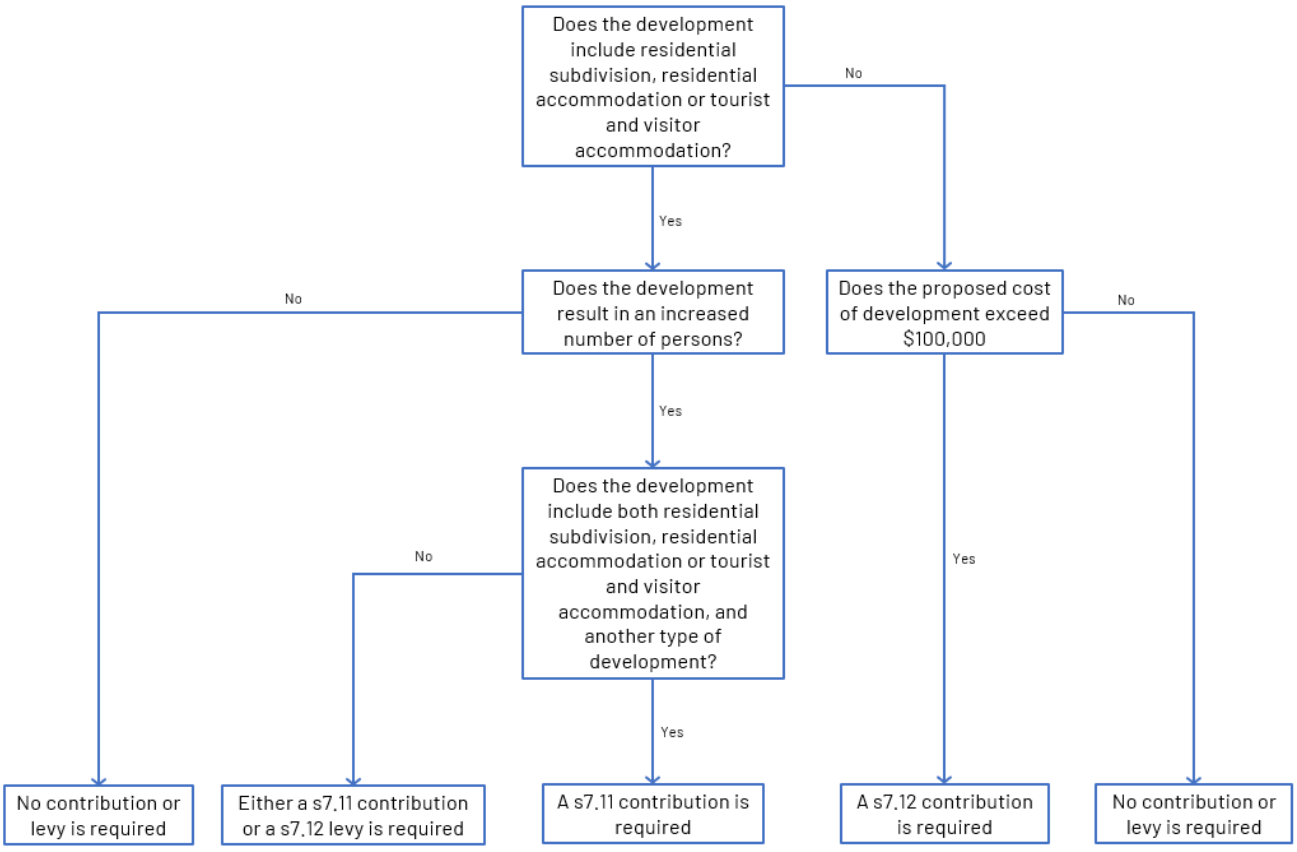

Figure 2 – Determining the contribution type

2.1.1 Section 7.11 Contribution

A Section 7.11 contribution applies to the following development types:

- **Subdivision** to create a lot for residential accommodation
- **Residential accommodation**:
    - dwelling house
    - dual occupancies
    - secondary dwelling (studio/granny flat)
    - attached dwellings
    - boarding houses
    - co-living housing

- group homes
- hostels
- multi-dwelling housing
- residential flat building
- semi-detached dwellings
- seniors housing
- shop-top housing

- **Tourist and visitor accommodation**:

  - backpackers' accommodation
  - bed and breakfast accommodation
  - hotel or motel accommodation
  - serviced apartments

The contribution rates are calculated by multiplying the **per person** contribution rate by the relevant **occupancy rate,** based on the mid-growth population scenario:

$$\textbf{Contribution rate per person} = \frac{\textbf{Cost of infrastructure attributable to future development}}{\textbf{Additional residents}}$$

Growth scenario	*Low-growth*	*Mid-growth*	*High-growth*
Cost of infrastructure	$102,042,200	$102,042,200	$102,042,200
Population	10,500	12,500	15,500
Rate per person	**$9,718.30**	**$8,163.40**	**$6,583.40**

The contribution rate is calculated based on a per lot, per person, per dwelling or per bed basis, based on the type of development and occupancy rate assumptions in **Table 6**.

Table 6: Summary of occupancy rates	
Development	**Occupancy rate**
Subdivision	
Single residential lot smaller than or equal to 250m^2	**1.8** people per lot
Single residential lot larger than 250m^2	**2.8** people per lot

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Development	Occupancy rate
Residential accommodation	
Dwelling with 1 bedroom[1]	**1.3** people per dwelling
Dwelling with 2 bedrooms[1]	**1.8** people per dwelling
Dwelling with 3 or-more bedrooms[1]	**2.8** people per dwelling
Boarding house, co-living housing, group home, hostel, student housing, and seniors housing	**1** person per room
Tourist and Visitor Accommodation	
Tourist and Visitor Accommodation[2]	**1** person per bed

These figures have been derived from an analysis of Australian Bureau of Statistics 2021 Census data.

Table 7 is a summary of the infrastructure contribution rates.

Table 7: Summary of contribution rates by development type	
Development type	**Contribution**
Single residential lot smaller than or equal to 250m^2	$14,694.10
Single residential lot larger than 250m^2	$20,000.00
Dwelling with 1 bedroom	$10,612.40
Dwelling with 2 bedrooms	$14,694.10
Dwelling with 3 or-more bedrooms	$20,000.00
Per person rate	$8,163.40
Other Development: other development will be subject to a Section 7.12 levy. See **Section 0**	
Note: should a 3 bedroom dwelling be constructed on a lot that is < 250m^2 the 3 bedroom levy will apply.	

[1] Includes attached dwellings, dwelling houses, residential flat buildings and secondary dwellings.
For the purposes of this plan, examples of secondary dwellings levied under this plan include:

- granny flats;
- self-contained units of any type which have their own kitchen/bathroom;
- self-contained studios;
- Secondary dwellings under the SEPP (State Environmental Planning Policy (Housing) 2021.

To avoid doubt, a bedroom is defined as a room designed or intended for use as a bedroom or any room capable of being adapted to or used as a separate bedroom, for example a study/home office.

[2] Refer to the Glossary

Table 8 shows the capped contribution rates and what will be collected under this Plan for Section 7.11 contributions.

Table 8: Capped contribution rates						
Description	**Per person**	**Lot ≤ 250m²**	**Lot > 250m²**	**Dwelling with 1 bedroom**	**Dwelling with 2 bedrooms**	**Dwelling with 3 or-more bedrooms**
Roads	$5,327.40	$9,589.30	$13,057.80	$6,925.60	$9,589.30	$13,051.90
Open Space	$1,836	$3,304.80	$4,496.80	$2,386.80	$3,304.80	$4,498.10
Stormwater	$800	$1,440	$1,955.40	$1,040	$1,440	$1,960
Administration	$200	$360	$490	$260	$360	$490
Total	**$8,163.40**	**$14,694.10**	**$20,000**	**$10,612.40**	**$14,694.10**	**$20,000**

Note: Council will apply a $20,000 cap to contributions. However, should Council be approved to levy in excess of $20,000, this Plan will automatically charge at the higher rate.

Table 9 shows the full costs and uncapped contribution rates and what will be collected under this Plan for Section 7.11 contributions.

Table 9: Full costs and uncapped contribution rates						
Description	**Per person**	**Lot ≤ 250m²**	**Lot > 250m²**	**Dwelling with 1 bedroom**	**Dwelling with 2 bedrooms**	**Dwelling with 3 or-more bedrooms**
Roads	$5,327.40	$9,589.30	$14,916.70	$6,925.60	$9,589.30	$14,916.70
Open Space	$1,836	$3,304.80	$5,140.80	$2,386.80	$3,304.80	$5,140.80
Stormwater	$80	$1,440	$2,240	$1,040	$1,440	$2,240
Administration	$200	$360	$560	$260	$360	$560
Total	**$8,163.40**	**$14,694.10**	**$22,857.50**	**$10,612.40**	**$14,694.10**	**$22,857.50**

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2.1.2 Section 7.12 Levy

A Section 7.12 levy applies to all developments not listed above. A section 7.12 levy is calculated based on the proposed cost of carrying out the development as follows:

Proposed cost of carrying out the development	Levy rate
Less than 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	1.0%of that cost
Note: For **mixed use** development, the contribution mechanism will be whichever is the greater contribution amount.	

If a development requires a Section 7.12 levy to be paid, applicants must provide Council with the following information to assist with determining the costs of carrying out the development:

- Where the estimate of the proposed cost of carrying out the development is up to and including $1,000,000, the application must be accompanied by a Cost Summary Report. This must be completed by a suitably qualified person such as a Project Architect or Project Manager.
- Where the estimate of the proposed cost of carrying out the development is more than $1,000,000, a detailed cost report must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.
- The report must be submitted to Council no more than 4 weeks from the date the costs on the form are originally estimated. Where more than 6 months has passed since the report has been submitted to Council, or where the applicant has amended the scope of the development that relates to the application, Council may require a new report to be submitted.
- Council may, at the applicants cost, engage a person referred to above to review a report submitted by an applicant. Copies of the cost summary report and detailed cost report are also available from Council's website at www.dubbo.nsw.gov.au.

2.1.3 Mixed use developments

A single development can only be the subject of either a section 7.11 contribution or a section 7.12 levy, not both. Where a single development comprises a mix of types covered by both Section 7.11 contributions and Section 7.12 levy, the component that represents the highest monetary contribution will apply.

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PART 3 URBAN RELEASE AREA PROFILE

The North-West Urban Release Area is located in the north-western fringe of the Dubbo urban area. It is situated approximately 2km from the Dubbo Central Business District and Dubbo Regional Airport, and 4km from the Dubbo Health and Education Precinct.

The Urban Release Area is a key residential growth area for Dubbo and will drive residential development opportunities, provide increased housing opportunities, and ensure the city can provide housing for our increasing urban population into the future. It is anticipated that when fully developed, it will have the potential to realise between 4,500 and 5,500 dwellings, with a population of up to 15,500 people. These assumptions are based on a Planning Proposal that is currently being progressed by Council and the NSW Department of Planning, Housing and Infrastructure.

This section establishes the nexus between the anticipated development and the demand for additional or embellished transport.

3.1 Supporting strategies and documentation

The key documents supporting the need for infrastructure being provided due to demand resulting from new development are:

- North-West Urban Release Area Development Control Plan - Masterplan
- 2018 Open Space Masterplan
- 2020 Transportation Strategy
- Recreation Strategy 2030
- Community Strategic Plan – Towards 2040
- Remplan Population Projections

3.2 Forecast population growth

The area is expected to generate a residential population of approximately 12,500 - 15,500 people, based on an occupancy rate of 2.8 people per dwelling on a single lot. There may be other types of incoming population within the area which are likely to generate a need for infrastructure. **Table 10** is a summary of the estimated additional population on a five-yearly basis to 2039.

Table 10: Forecast Population 2024 - 2039

		2024	2029	2034	2039	Total Additional
Persons	Low series	-	3,500	3,500	3,500	**10,500**
	Mid series	-	4,100	4,200	4,100	**12,500**
	High series	-	5,000	5,000	5,000	**15,000**

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		2024	2029	2034	2039	Total Additional
Dwellings	Low series	-	1,250	1,250	1,250	**3,750 dwellings**
	Mid series	-	1,500	1,500	1,500	**4,500 dwellings**
	High series	-	1,800	1,900	1,800	**5,500 dwellings**

3.3 Summary of infrastructure

Table 11 is a summary of the infrastructure included in this Plan for roads and transport, open space and recreation facilities, stormwater and administration.

Table 11: Summary of works included in this Plan

Category	Summary of works	Cost
Roads and Transport **Figure 3**	• Intersection with New Dubbo Bridge (TFNSW) • Roundabouts with Bunglegumbie Road and River Street West • Roundabouts with Thompson Street and Bunglegumbie Road • Road infrastructure in River Street West - Stage 1,2 and 3 • Road infrastructure in Blizzardfield Road • Upgrading Bunglegumbie Road • Land acquisitions	$66,592,200
Open Space and recreation facilities **Figure 4**	• Sporting precinct • Parks and open space throughout the precinct • Land acquisitions	$22,950,000
Stormwater **Figure 5**	• Pipe Infrastructure • Basins • Channels	$10,000,000
Administration and Plan Preparation	• Strategic infrastructure studies • Review of this Plan • Administration of this Plan	$2,500,000
Total		**$102,042,200**

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3.4 Demand for Infrastructure

One of the fundamental principles of infrastructure contributions is the relationship, or 'nexus', between the expected types of development and the demonstrated demand for new, augmented or embellished infrastructure created by that development.

Key aspects of determining nexus are:

- whether the anticipated development actually creates a demand or increases the demand for infrastructure;
- whether the estimates of demand for infrastructure to which the proposed development contribution relates are reasonable;
- what types of infrastructure will be required to meet that demand;
- whether the proposed development contribution is based on a reasonable estimate of the cost of proposed infrastructure; and
- when facilities will be provided to meet the demand of the development – often expressed as timing or thresholds.

The increased usage of and demand for new infrastructure as a consequence of future development will, in most cases, exceed the capacity of existing public facilities. Accordingly, it will be necessary for new and embellished infrastructure to be provided to cater for the anticipated demand of that development. It is also necessary to ensure that new development only contributes to its share of the total demand for public facilities and services, rather than any demand generated by the existing population, which may result out of a deficiency in existing facilities. This is known as 'apportionment'.

The area is projected to experience strong population growth through to 2039. To meet the identified shortfall in infrastructure for the current population and to ensure the demands of a growing population can be met, the contributions collected under this Plan will assist Council to deliver new facilities.

The work program included in the Plan is reviewed regularly to ensure the contributions income can best match the acquisition and embellishment activities proposed to be delivered in the Plan. From time to time the population growth of Dubbo may slow down or increase based on development and economic factors. In this case, works included in the Plan can be pushed back or brought forward as required and in line with the availability of funding.

3.4.1 Roads and transport infrastructure

The primary vehicular connections are the north-south Bunglegumbie Road, New Dubbo Bridge, and east-west River Street West. River Street West is a critical connection that will provide a flood-free vehicular connection over the Macquarie River to the northern end of the CBD and will create a strong east-west connection through the site to Westview Street and to the Mitchell Highway at the south-west of the site.

External to the site, the Mitchell Highway runs to the south, providing a connection to the Dubbo CBD over the LH Ford Bridge. The Newell Highway, also south of the site, provides vehicular

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connection over the Emile Serisier Bridge. A localised road network within the residential estate to the south of the site has the potential to be integrated within the site in the future.

Figure 3 and **Table 12** is a summary of the road and transport infrastructure.

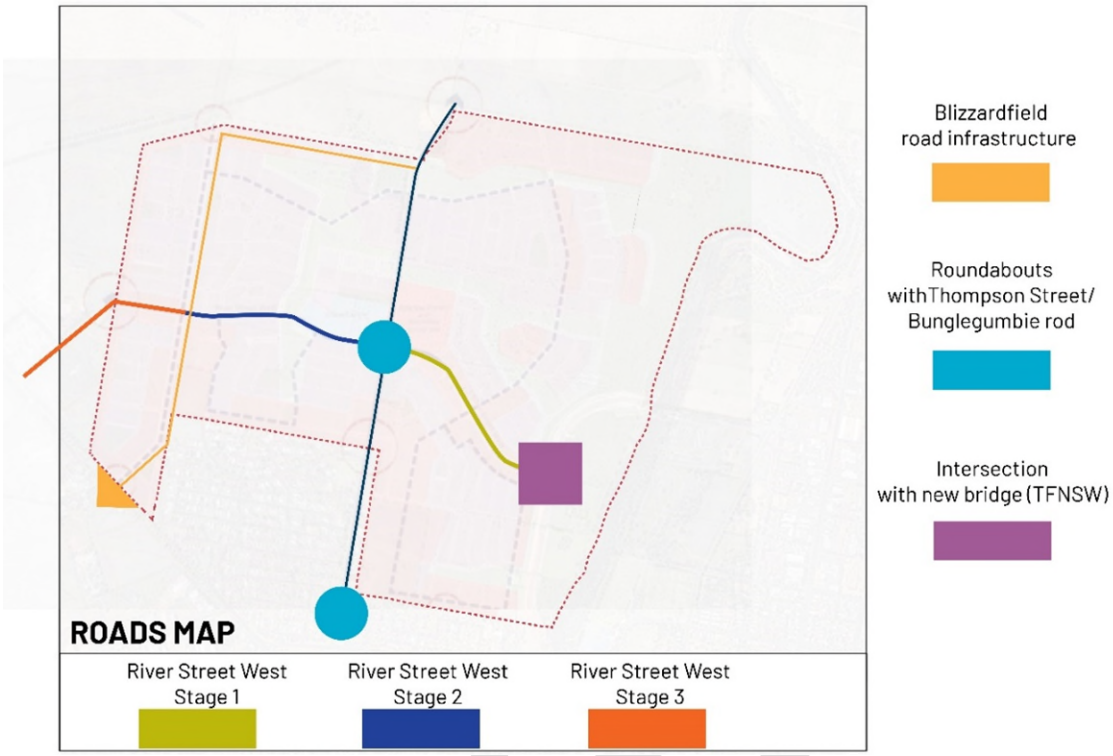

Figure 3 - Road and transport infrastructure

Table 12: Roads and Transport Infrastructure		
Item	**Detail of inclusions**	**Timing**
Intersection with New Dubbo Bridge (TFNSW)	Traffic lights	2026
Roundabouts with Bunglegumbie Road and River Street West, and Bunglegumbie Road and Thompson Street	Single lane roundabout	2026
Road infrastructure in River Street West Stages 1,2 and 3	• Land acquisition • Roundabout • Road construction	Stage 1 2026 Stage 2 2030
Road infrastructure in Blizzardfield Road	• Land acquisition • Road construction	Long term
Upgrading Bunglegumbie Road	Road construction	Long term

The Dubbo Transportation Strategy demand will reduce the flow capacity of roads and intersections which may potentially result in a loss of levels of service of individual roads falling below acceptable standards.

The loss of service of a given road segment or intersection generally relates to the stability of the flow of traffic and delay of vehicles. Accordingly, traffic from future development that results in a road or intersection falling below the desired standard, exacerbates the situation, which creates a nexus between future development and upgrades required to maintain acceptable standards.

3.4.2 Open space and recreation infrastructure

The North-West Urban Release Area Development Control Plan - Masterplan identifies that approximately 20% of the area will be dedicated as public open space, including sporting fields, park land, and river reserves. These areas will feature naturalised stormwater management and treatment systems, active open space, passive recreational zones, and a landscape that ties into the site's unique location and history. To ensure that public open space is accessible to the anticipated population, green space is within approximately 400 metres of residences.

Figure 4Figure 3 and **Table 13** is a summary of the open space and recreation infrastructure.

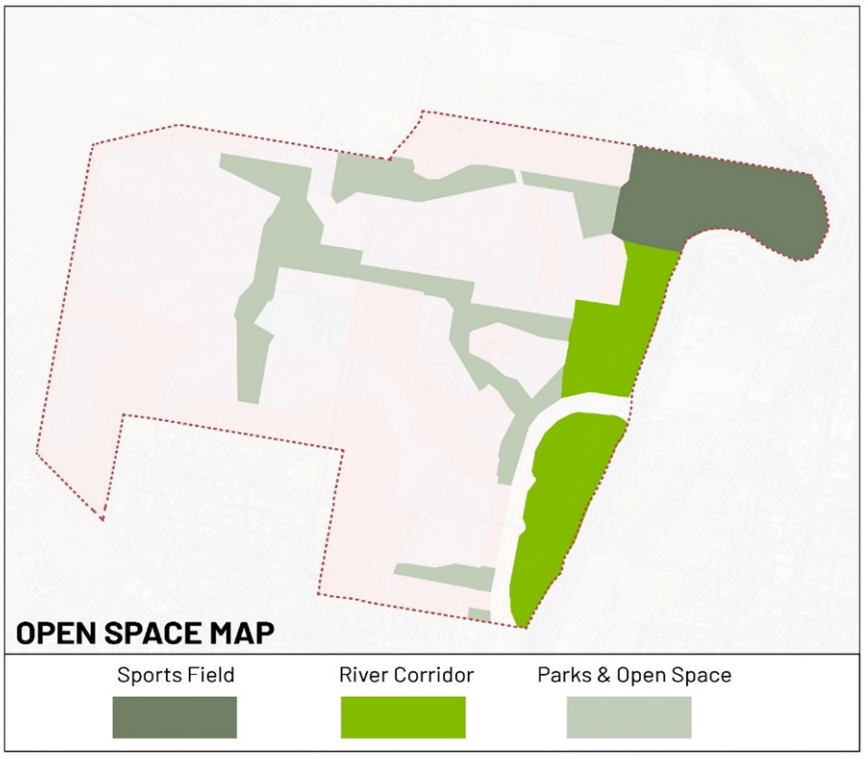

Figure 4 - Open space and recreation infrastructure

Table 13: Open space infrastructure		
Item	**Indicative inclusions**	**Timing**
Sportsfields	• Hard court surfaces and turf or synthetic surfaces for sporting fields • Playground, skate park or other active recreational area • Amenities and changerooms • Pathways – internal and connecting to the estates path system • Sports lighting / pedestrian lighting • Carparking facilities • Irrigation systems • Signage – Wayfinding, regulatory and advisory • Smart technology relating to the use of facilities • Other sports related infrastructure as identified in the master plan	Medium/long term
Parks and open space	• Playground or other active recreational area • Pathways – internal and connecting to the estates path system • Signage – Wayfinding, regulatory & advisory • Litter bins • Park furniture • Irrigation systems • Pedestrian lighting	Medium/long term
River Corridor	• Pedestrian bridge over the Macquarie River • Pathways – internal and connecting to the estates path system • Signage – Wayfinding, regulatory and advisory • Litter bins • Park furniture • Irrigation systems • Plantings of trees and shrubs • Pedestrian lighting	Medium/long term

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The Open Space Master Plan describes the existing rate of provision of open space and recreation facilities in the precinct and includes a normative, comparative, identified, and best practice assessment of the demand for additional and/or embellished infrastructure as a consequence of the future population growth. This analysis derives levels of service for various types of open space and recreation facilities, and these have been adopted for the purposes of this Plan.

The desired metric used to identify the average hectare of open space required per resident is as follows:

Park Category	Desired level of service (Ha/1000)
District	3.0
Regional	0.5
Sporting	2.8
TOTAL	**7.8**

This Master Plan concludes new facilities will be required to maintain the identified levels of service.

3.4.3 Stormwater infrastructure

Overland flow paths overlap with green corridors to create integrated and innovative green infrastructure. Where possible, typical pit and pipe stormwater solutions are avoided, using the network of green spaces to filter, retain and direct stormwater catchments before reaching the river.

Figure 5Figure 3 is a summary of the stormwater infrastructure.

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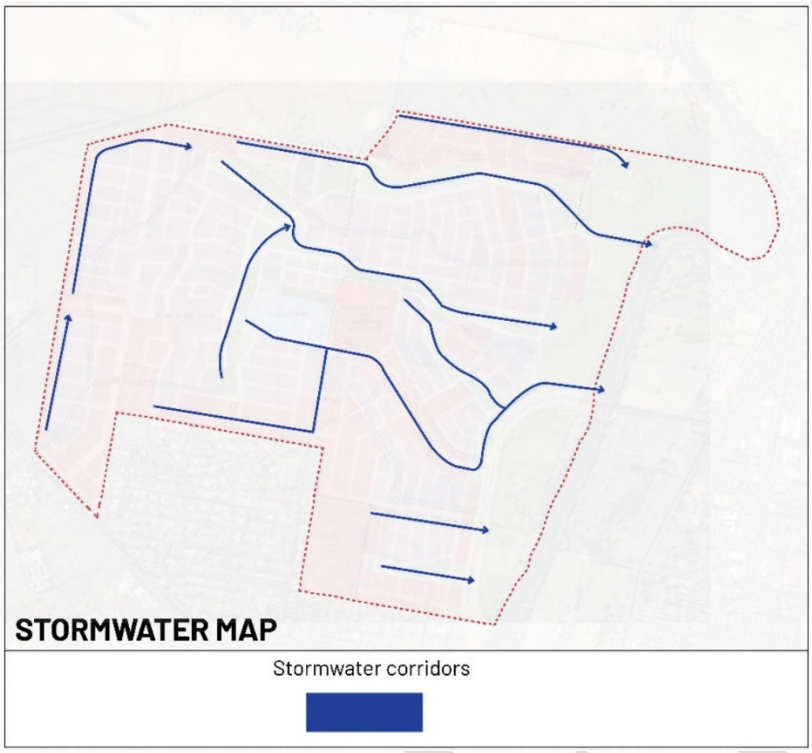

Figure 5 – Stormwater infrastructure

3.4.4 Village centre

Development types such as educational facilities, aged care, health facilities, retail and office and business premises are subject to Section 7.12 levies under this Plan as they are not identified in Section 2.1.1. The area for the commercial precinct is zoned E1 allowing for a range of business and community facilities.

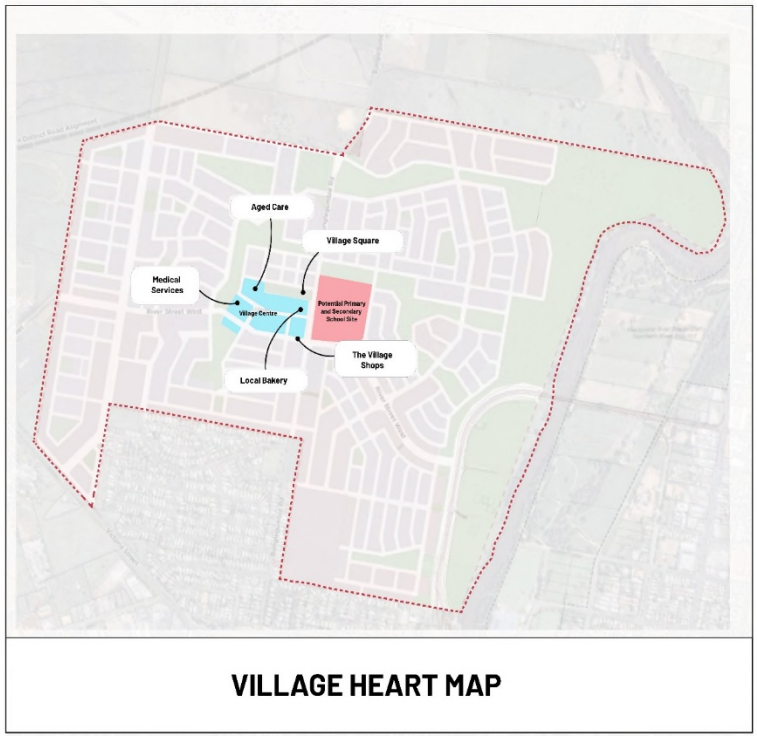

Figure 6 - Village Heart and other permissible development

3.4.5 Plan preparation and administration

Council will incur the following costs in the preparation and administration of this Plan:

- Staff time to prepare and review this Plan, account for contributions receipts and expenditure, and coordinate implementation of works programs, including involvement in negotiating works-in-kind and material public benefit agreements;
- The costs of consultant studies to determine the value of land to be acquired, the design and cost of works, as well as the review of development and demand assumptions in this Plan; and
- The costs of engaging legal professionals to provide advice on implementing the plan.

As these costs arise directly as a result of this Plan, it is reasonable that they will be recouped through infrastructure contributions.

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PART 4 ADMINISTRATION OF THIS PLAN

4.1 How will Contributions be imposed?

In accordance with the Act, if a contribution is required for development, the consent authority including registered certifiers is responsible for imposing a condition in the consent or complying development certificate.

The relevant proforma conditions specified in **Appendix C, D** and **E** must be used. They include:

- Section 7.11 conditions of consent;
- Section 7.11 complying development certificate condition;
- Section 7.12 conditions of consent and complying development certificate condition.

The condition will specify:

- Which contribution is applicable (Section s7.11 contribution or Section 7.12 levy);
- How the contribution amount will be indexed for inflation (CPI);
- The contribution amount payable;
- When the contribution needs to be paid; and
- How to pay (acceptable payment methods).

4.2 Timing of payments

Contributions levied under this Plan must be paid to Council in accordance with:

- In the case of subdivision - **prior** to the issue of the Subdivision Certificate for each stage;
- In the case of development involving building work – **prior** to the issue of the first Construction Certificate;
- In the case of development that involves both subdivision and building work – **prior** to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – **prior** to occupation or the issue of an Occupation Certificate, whichever occurs first.

In the case of Complying Development:

- where works are proposed - **prior** to any works commencing; or
- where there are no works proposed – prior to occupation or the issue of an Occupation Certificate, whichever occurs first.

It is the responsibility of a registered certifier to ensure that a condition is imposed on a complying development certificate in accordance with the above timeframes.

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4.3 Deferred or periodic payments

Council will not accept the deferred or periodic payment of a monetary contribution or levy imposed under this Plan.

4.4 Methods of payment

An obligation to provide contributions toward infrastructure can be satisfied by one or more of the following methods:

- Payment of a monetary contribution;
- The dedication of land; or
- Provision of a material public benefit.

4.5 How to pay monetary contributions

Payment of contributions can be made by BPAY (preferred), endorsed bank cheque, credit card or cash at Council's Customer Experience Centre's by eftpos or any other means acceptable by Council.

4.6 Dedication of land

Council may require that land be dedicated as a form of contribution toward the provision of infrastructure. Where such dedication is required, it must be undertaken in accordance with the following:

- The process for dedication of land is to occur in conjunction with the payment of monetary contributions applicable to any development consent or complying development certificate granted for the land;
- The dedication of land is to be 'free of cost', meaning that all costs associated with the dedication of the land and its transfer to Council's ownership are to be borne by the applicant/developer;
- At the time of transfer, the land is to be in a condition which is suitable for its identified public purpose (as determined by Dubbo Regional Council) and is to be cleared of all rubbish and debris and have separate title; and
- The land is to be free of all caveats and easements.

4.7 Material public benefit/'works in kind'

Council may accept an offer by the applicant to:

- provide an 'in-kind' contribution (for example, the applicant completes part, or all of the work/s identified in the Plan) or;
- through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under this Plan.

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Council is under no obligation to accept works-in-kind (WIK) or material public benefit (MPB) offers. When considering any such offer, Council will assess the benefits to Council and the community and give due consideration to relevant matters including the following:

- the extent to which the works/MPB satisfies the purpose for which the contribution was sought;
- the extent to which the MPB satisfies a community need or may reduce the demand for items within the works schedule;
- the impending need to construct the works for which the contributions are to be offset;
- the provision of the works/MPB will not prejudice the timing, the manner or the orderly provision of items included in the works program or the financial integrity of Council's Plan;
- an assessment of the shortfall or credit in monetary contributions as a result of the proposal;
- the availability of supplementary funding to make up the shortfall in contributions;
- locational and other factors that may affect usability;
- impact of recurrent operational and maintenance costs; and
- the provision of the works/MPB must not result in piecemeal delivery of infrastructure or likely to result in the need to reconstruct the works due to future nearby development (i.e normally the works will need to relate to a whole street block or a defined precinct/area).

In accepting MPBs other than a WIK, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan and that this benefit warrants Council accepting responsibility in fulfilling the intent of the Plan notwithstanding a reduction in expected cash contributions.

A 'works in-kind' relates to the undertaking of a specific or equivalent work specified in the Plan, and is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria. However, Council may not accept an off-set to the cash otherwise required to be paid which exceeds the quantum of cash payable under the infrastructure category that relates to the works-in kind.

4.8 Planning Agreements

An applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application. Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions provided for by the Act.

An applicant's offer to enter into a planning agreement, together with the draft agreement, will generally need to accompany the relevant development application or an application to modify the development consent. Council may also consider an offer to enter into a planning agreement where an applicant has sought a change to an environmental planning instrument (commonly referred to as a planning proposal) however Council is under no obligation to accept an offer to enter into a planning agreement.

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4.9 Construction certificates and the obligation of registered certifiers

In accordance with the Act and the Regulation, a certifying authority must not issue a Construction Certificate or an Occupation Certificate, whichever is applicable 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 **paid in full** and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation.

Failure to follow this procedure may render such a certificate invalid. The only exceptions to this requirement are where an alternate payment method has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.10 Complying development and the obligation of registered certifiers

In accordance with the Act, registered certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (**Appendix C, D** and **E**) and be strictly in accordance with this Plan. It is the responsibility of a registered certifier to inform themselves of any amendments to this Plan (including current indexed rates), to accurately calculate the contribution and to apply the development contribution condition correctly in accordance with Council's current consent condition requirements.

Registered certifiers should contact Council for a copy of the current consent condition requirements.

It is also the responsibility of a registered certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

4.11 Indexation of contributions

The contributions stated in this Plan will be indexed at the time of payment to reflect changes in the cost of facilities in the following manner:

$$\$Cpy = \frac{\$Cpc \times CPIpy}{CPIpc}$$

Where:

$Cpy is the amount of the contribution at the date of Payment.

$Cpc is the amount of the contribution for works schedule items at the date of the Plan Commencement (or date of development consent – see below).

CPIpy is the Consumer Price Index (Sydney – All Groups) (CPI) as published by the Australian Bureau of Statistics (ABS) for the financial quarter at the date of Payment.

CPIpc is the CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the date of the Plan Commencement (or date of development consent – see below).

A development consent or complying development certificate will show the contribution payable at the date the consent or certificate is issued. In this circumstance, if the contribution is not paid within the same financial quarter as the date of the consent/certificate, the payment shall be further indexed in accordance with the above formula.

Contribution rates under this Plan and the estimated costs upon which they are based will also be indexed by Council on a regular basis consistent with the above methodology.

The adjustment of contribution rates and estimated costs will occur by way of an amendment without the need to prepare a new contributions plan, in accordance with the Regulation. Applicants and registered certifiers should inquire with Council for information on the latest contribution rates.

The **current** contributions rates are available on Council's website.

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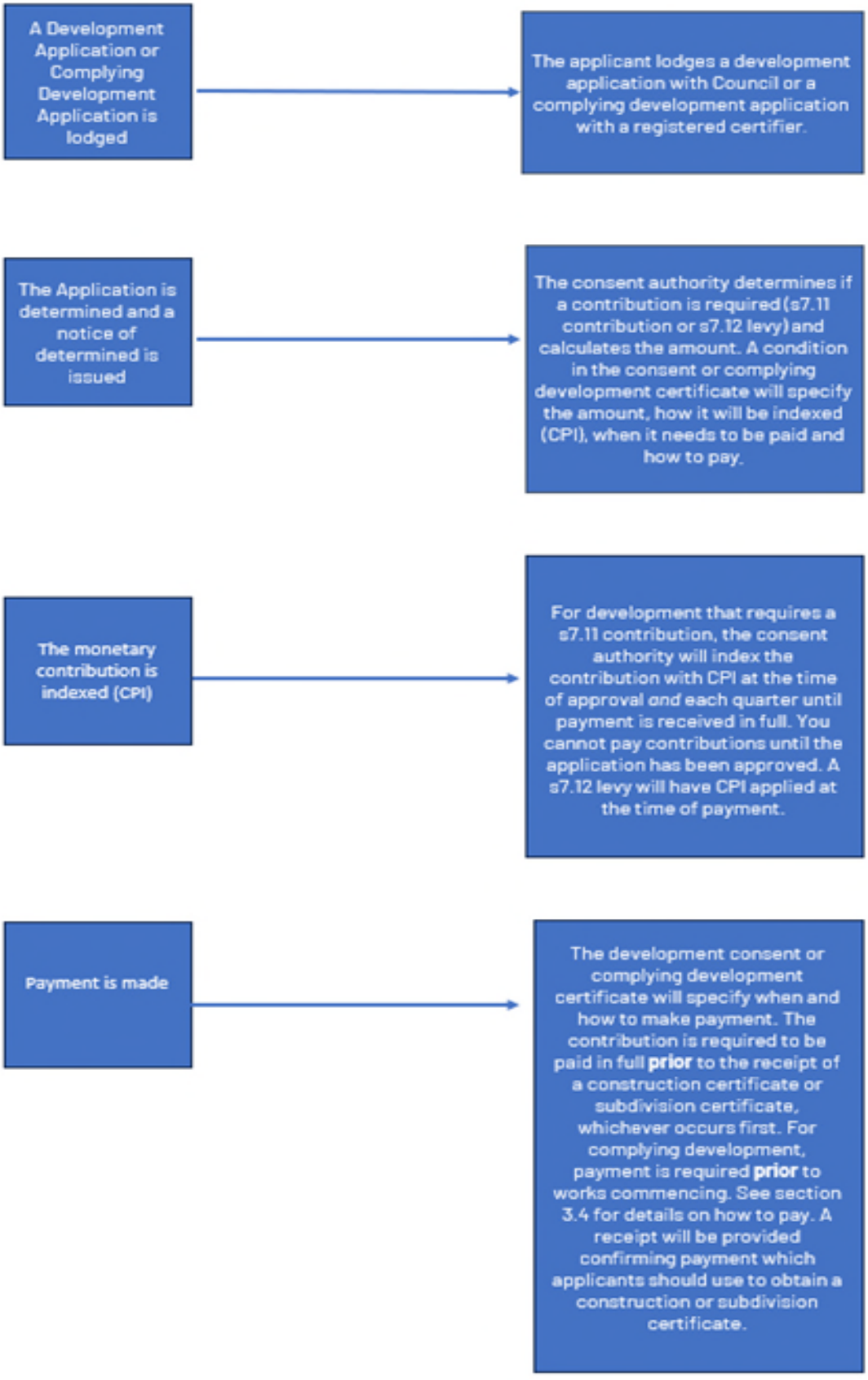
4.12 Key steps in the process



4.13 Credits

A credit may be provided by Council where the net contributions provided by any particular development exceed that required by the Plan.

This could arise where an applicant proposes the provision of a work or dedication of land, at a value determined by Council to exceed the amount of cash otherwise payable in accordance with the Plan. However, credits will only be provided at Council's absolute discretion.

A credit will be provided only against the same facility category for which the surplus contribution relates. For example, if the applicant proposes to dedicate more public open space that would otherwise be required under the Plan, then a credit could be accrued against open space contributions requirements of future development. Consequently, if an applicant dedicates more public open space than would otherwise be required under the Plan, the value of the additional open space cannot be used to offset the cash contribution otherwise payable under a different contribution category, such as roads or stormwater infrastructure. The objective is to ensure that Council maintains an adequate flow of contributions across the range of infrastructure facilities to be funded under this Plan and to provide for the orderly and staged delivery of all infrastructure requirements

The amount and terms of the credit are to be negotiated prior to the dedication of land or commencement of works and will be for the additional value only as agreed by Council. If agreed, Council will advise the applicant of the credit which would be redeemable in lieu of contributions in the same facility category otherwise payable by the applicant for future development in the area to which this Plan applies.

Council reserves the right to require payment of a monetary contribution or to terminate the "credit agreement" should the applicant be unwilling or unable to meet its terms.

No credit will be given for land or works which are not nominated in the works schedule in this contributions plan. If an applicant seeks to offset a credit against the cash payable under a different facility category or to be reimbursed in cash, then this would need to be negotiated with Council as part of a planning agreement or a works-in-kind/material public benefit agreement in accordance with the provisions of this Plan.

Council will not support proposals for works or land in kind that is inconsistent with the approved Infrastructure priorities list unless it can be demonstrated that it will result in a net community benefit and not adversely impact Council's cash flow and operational budget.

4.14 Refunds

Council is under no obligation under legislation to refund development contributions. However, should a request for a refund that has been paid be made, it must be **in writing** and is at the sole discretion of Council. To be considered for a refund the applicant must either:

- Lodge a modification application pursuant to s4.30, s4.55 or s4.56 of the Act, which seeks to amend or delete the contributions condition; or
- Surrender the development consent pursuant to s4.17 or s4.63 of the Act in the form

required by cl97 of the Regulation; and

- The application for a refund is **within 12 months** of Council receiving the contribution for which a refund is sought.

The administration component of the contribution paid will not be refunded under any circumstances.

4.15 Monitoring and review of the plan

It is intended to monitor and review this Plan on a regular basis as it contains forecasts of future development including likely future population and the likely demand and cost of providing community infrastructure for the increase in population. Monitoring actual developments, population changes and community demand will allow appropriate updating and amendment as necessary. The cost of works proposed in this Plan may also need review over time if there is a concern that the indexation of costs do not adequately reflect actual costs at the time.

Council's aim is that all forecasts, costs, and assumptions are reviewed and adjustments and/or amendments are made approximately every four years after the date of adoption of this Plan.

In accordance with Clause 32(3) of the Regulation, Council may also make minor amendments to this Plan such as minor typographical corrections and adjustment of contribution rates due to indexation as specified in this Plan. Such amendments may be made without public exhibition and/or adoption by Council.

4.16 Relationship to other plans

Funds levied and received under previous plans will be used toward the delivery of the specific works identified in this Plan.

4.17 Accounting and Management of Funds

4.17.1 Accounting standards and contributions register

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation. Council is also required to publish details of development contributions accounts annually.

4.17.2 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for infrastructure specified in this Plan.

Council will report all investment returns as part of its annual infrastructure contribution accounts reporting and all investment returns will be retained within the development contributions accounts, to be used for the purpose for infrastructure specified in this Plan.

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4.17.3 Pooling of contributions

Subject to any prevailing Ministerial Direction, this Plan expressly authorises monetary contributions received under this Plan, any previous plans and any other current infrastructure contributions plans to be pooled and applied (progressively or otherwise) for the purposes for which the contributions were made.

4.17.4 Other funding sources

All works proposed in this Plan represent infrastructure to be funded pursuant to the development contributions provisions of the Act.

There were no grants or other external funding sources secured for the works proposed in this Plan, at the time of its adoption. Should such funding become available in the future, the cost of the relevant project will be reviewed, and the contribution rates will be adjusted accordingly.

4.17.5 Goods and Services Tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

In addition, at the date of preparing this Plan, non-monetary contributions by way of dedication of land, works-in-kind or material public benefit in lieu of contributions that would be exempt under Section 81-5 of the GST Act, do not constitute a taxable supply.

Therefore, there are no GST implications for non-monetary contributions. However, if legislative changes (including Australian Tax Office tax rulings) determine otherwise, contributions in this Plan will be adjusted to include GST.

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APPENDIX A – Infrastructure work schedule

Roads and Transport Infrastructure:

Facility Ref	Description	Land Acquisition Cost	Construction Cost	Cost Attributable to New Development	Timing
River Street West Stage 1	New Dubbo Bridge to Bunglegumbie Rd Intersection with New Dubbo Bridge (traffic lights)		$3,100,000 $11,000,000	100%	Short term
Roundabout	14L Bunglegumbie Rd 9L Bunglegumbie	$108,600		100%	Short term
Thompson Street	Intersection with Bunglegumbie Road		$3,000,000	100%	Short term
River Street West Stage 2	14L Bunglegumbie Rd 5R Westview Street	$2,592,000	$10,800,000	100%	Medium term
Roundabout	Blizzardfield Rd and River St West		$3,000,000	100%	Medium term
River Street West Stage 3	12R Narromine Road	$291,600	$2,700,000	100%	Long term
Blizzardfield Road			$15,000,000	100%	Long term
Bunglegumbie Road	Road widening		$15,000,000	100%	Long term
TOTAL		**$2,992,200**	**$63,600,000**		

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Open Space and Recreation Infrastructure:

Facility Ref	Description	Land Acquisition Cost	Construction Cost	Cost Attributable to New Development	Timing
Sportsfield			$6,000,000	100%	Medium/long term
District Park		$7,500,000	$3,000,000	100%	Medium/long term
River Corridor		$3,450,000	$3,000,000	100%	Medium/long term
TOTAL		**$10,950,000**	**$12,000,000**		

Stormwater Infrastructure:

Facility Ref	Description	Land Acquisition Cost	Construction	Cost Attributable to New Development	Timing
Stormwater infrastructure	Pipe infrastructure		$4,000,000	100%	Continuous
	Basins		$4,000,000	100%	Continuous
	Channels		$2,000,000	100%	Continuous
TOTAL			**$10,000,000**		

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Plan Preparation and Strategy Review:

Facility Ref	Description	Cost	Cost Attributable to New Development
Plan Administration	Plan preparation, administration and staff salary	$2,000,000	100%
Strategy review	Transportation Strategy Open Space and Recreation Strategy Stormwater Strategy	$500,000	100%
TOTAL		**$2,500,000**	

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APPENDIX B – Working examples

Example development: **Dual Occupancy - (two dwellings on a single lot, no subdivision of land).** **Both dwellings have 3 x bedrooms.**	
Calculation methodology:	A 3 or-more bedroom dwelling is capped at $20,000 per dwelling. The calculation is: $20,000 x 2 = **$40,000** A **credit** is applied for the **existing** lot or dwelling where contributions have previously been paid for that lot or dwelling.
Contribution:	The total contribution is $40,000 - $20,000 credit (if applicable) **= <u>$20,000</u> total contribution to pay**
Example development: **10 lot subdivision (from 1 existing lot):**	
Calculation methodology:	A single lot is capped at $20,000 per lot. The calculation is: $20,000 x 10 lots = **$200,000** A **credit** is applied for the **existing** lot where contributions have previously been paid for that lot.
Contribution:	The total contribution is $200,000 - $20,000 credit (if applicable) **= <u>$180,000</u> total contribution to pay.**
Example development: **Dual Occupancy - (two dwellings on a single lot, no subdivision of land). One dwelling has 2 x bedrooms and 1 dwelling has 4 x bedrooms:**	
Calculation methodology:	A 2 bedroom dwelling is **$14,694.10** per dwelling and a 3 or-more bedroom dwelling is capped at **$20,000**. The calculation is: $14,694.10 (2 bed dwelling) + $20,000 (4 bed dwelling) = **$34,694.10** A **credit** is applied for the **existing** lot where contributions have previously been paid for that lot.
Contribution:	The total contribution is $34,694.10 - $20,000 credit (if applicable) = **<u>$14,694.10</u> total contribution to pay**
<u>Note</u>: uncapped contributions are subject to CPI. Please ensure the <u>current</u> rates are used to calculate contributions.	

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APPENDIX C - Pro forma Condition of Consent for S7.11 Contribution

a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Dubbo Regional Council North-West Urban Release Area Infrastructure Contributions Plan 2024, the following monetary contributions shall be paid to Council for the increased demand for infrastructure:

SECTION 7.11 CONTRIBUTION FEE SCHEDULE

Description	Contribution ($)
Roads	INSERT AMOUNT
Open Space	INSERT AMOUNT
Stormwater	INSERT AMOUNT
Plan Preparation and Administration	INSERT AMOUNT
TOTAL	**INSERT AMOUNT**

a) From the date this determination is made until payment, the contribution will be indexed and adjusted at the close of business on:

- 14 August
- 14 November
- 14 February, and
- 14 May

in each year in accordance with the Consumer Price Index – Sydney All Groups published by the ABS.

The first date for indexation and adjustment shall be the date above, which is closest to but *follows* the date on which the Notice of Determination becomes effective.

b) The contributions payable will be the amounts last indexed and adjusted in accordance with the above dates.

If no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.

The contributions shall be paid to Council as follows:

- Development Applications involving subdivision – **prior** to the issue of the Subdivision Certificate for each stage.
- Development Applications involving building work – **prior** to the issue of the first Construction Certificate.
- Development Applications involving both subdivision and building work – **prior** to the

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issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first.

- Development Applications where no Construction Certificate or Subdivision Certificate is required – **prior** to the works commencing. Please note that should payment be made by cheque or electronic transfer the release of any documentation will be subject to the clearing of those funds.

It is the responsibility of the Registered Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Infrastructure Contributions Plan may be viewed online at www.dubbo.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

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APPENDIX D – Pro forma CDC Condition for S7.11 Contribution

a) In accordance with Section 4.28(6) of the *Environmental Planning and Assessment Act 1979* and the Dubbo Regional Council North-West Urban Release Area Infrastructure Contributions Plan 2024, the following monetary contributions shall be paid to Council for the increased demand for infrastructure:

SECTION 7.11 CONTRIBUTION FEE SCHEDULE

Description	Contribution ($)
Roads	INSERT AMOUNT
Open Space	INSERT AMOUNT
Stormwater	INSERT AMOUNT
Plan Preparation and Administration	INSERT AMOUNT
TOTAL	**INSERT AMOUNT**

b) From the date this determination is made until payment, the contribution will be indexed and adjusted at the close of business on:

- 14 August
- 14 November
- 14 February, and
- 14 May

in each year in accordance with the Consumer Price Index – Sydney All Groups published by the ABS.

The first date for indexation and adjustment shall be the date above, which is closest to but *follows* the date on which the Notice of Determination becomes effective.

c) The contributions payable will be the amounts last indexed and adjusted in accordance with the above dates.

d) The monetary contributions shall be paid to Council:

(i) **prior** to the works commencing where the development requires building works;
(ii) **prior** to occupation or the issue of an occupation certificate, whichever occurs first, where no works are required.

It is the professional responsibility of the Registered Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

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Council's Infrastructure Contributions Plan may be viewed online at www.dubbo.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

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APPENDIX E – Pro forma Condition for s7.12 Levy

a) In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Dubbo Regional Council North-West Urban Release Area Infrastructure Contributions Plan 2024 (the Plan), a monetary contribution of **$ [INSERT FIGURE]** shall be paid to Council for the purposes of the provision of infrastructure identified in the Plan.

b) The monetary contributions shall be paid to Council:

- **prior** to the works commencing where the development requires building works;
- **prior** to occupation or the issue of an occupation certificate, whichever occurs first, where no works are required.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with the indexation provisions in the Plan.

Indexation has been applied to the above levy based on CPI for the **[insert latest quarter and year]**.

Note: The contribution payable will not be less than the contribution specified in this condition.

It is the responsibility of the Registered Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Infrastructure Contributions Plan may be viewed online at www.dubbo.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

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Glossary

Terms used in this Plan have the following meanings except where the meaning of a term is inconsistent with the Act or the Standard Instrument—Principal Local Environmental Plan (SILEP), in which case the definition in the Act or SILEP will prevail:

ABS means the Australian Bureau of Statistics.

Act means the Environmental Planning and Assessment Act 1979.

Affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Applicant means the person(s) or organisation(s) submitting a development application.

Apportionment means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.

Attached dwelling means a building containing 3 or more dwellings, where:

- each dwelling is attached to another dwelling by a common wall, and
- each of the dwellings is on its own lot of land, and
- none of the dwellings is located above any part of another dwelling.

Backpackers' accommodation means a building or place that:

- provides temporary or short-term accommodation on a commercial basis, and
- has shared facilities, such as a communal bathroom, kitchen or laundry, and
- provides accommodation on a bed or dormitory-style basis (rather than by room);

Bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- meals are provided for guests only, and
- cooking facilities for the preparation of meals are not provided within guests' rooms, and
- dormitory-style accommodation is not provided;

Boarding house means a building that:

- is wholly or partly let in lodgings, and
- provides lodgers with a principal place of residence for 3 months or more, and
- may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment;

Co-Living means a building or place that has at least 6 rooms, some or all of which may have private kitchen and bathroom facilities and provides occupants with a principal place of residence for at least 3 months and has shared facilities but does **not include** backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Consumer Price Index (CPI) is a standard measure of price movements published by the Australian Bureau of Statistics.

Contribution means the same as "**development contribution**";

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Contributions plan means a contributions plan referred to in the Act.
Council means Dubbo Regional Council.
DCP means a Development Control Plan adopted by Council under the Act.
Development has the meaning under Section 4 of the Act which in relation to land means:

- the use of land; and
- the subdivision of land; and
- the erection of a building; and
- the carrying out of a work; and
- the demolition of a building or work; and
- any other act, matter or thing that may be controlled by an environmental planning instrument.

Development consent means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.
Development contribution means the making of a monetary contribution, dedication of land or the provision of a material public benefit (including a work-in-kind), or any combination of these as referred to in the Act for the provision of transport and social infrastructure.
Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).
Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.
Dual occupancy (detached) means 2 detached dwellings on one lot of land but does not include a secondary dwelling.
Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;
Dwelling house means a building containing only one dwelling;
Educational establishment means a building or place used for education (including teaching), being:

- a school, or
- a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act;

Exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed and includes any associated sales or home finance office or place used for displays.
GFA means the same as gross floor area.
Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- the area of a mezzanine, and
- habitable rooms in a basement or an attic, and
- any shop, auditorium, cinema, and the like, in a basement or attic,

but **excludes**:

- any area for common vertical circulation, such as lifts and stairs, and
- any basement:
- storage, and

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- vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking), and any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.

Group home means a permanent group home or a transitional group home;

Group home (permanent) or **permanent group home** means a dwelling:

- that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies;

Group home (transitional) or **transitional group home** means a dwelling:

- that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies;

Hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- day surgery, day procedures or health consulting rooms,
- accommodation for nurses or other health care workers,
- accommodation for persons receiving health care or for their visitors,
- shops, kiosks, restaurants or cafes or take-away food and drink premises,
- patient transport facilities, including helipads, ambulance facilities and car parking,
- educational purposes or any other health-related use,
- research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- chapels,
- hospices,
- mortuaries

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Hostel means premises that are generally staffed by social workers or support providers and at which:

- residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means a building or place (whether or not a licensed premises under the *Liquor Act 2007)* that provides temporary or short-term accommodation on a commercial basis and that:

- comprises rooms or self-contained suites, and
- may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

LEP means a Local Environmental Plan made by the Minister under the Act.

LGA means the local government area.

Material public benefit means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement.

Minister means the Minister administering the Environmental Planning and Assessment Act 1979.

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building

Neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area but does not include supermarkets or restricted premises.

NWURA means the North-West Urban Release Area.

Planning Agreement means a planning agreement referred to in the Act.

Public infrastructure means:

- public amenities and public services, and
- affordable housing, and
- transport infrastructure but does not include water supply or sewerage services.

Regulation means the Environmental Planning and Assessment Regulation 2000.

Residential accommodation means a building or place used predominantly as a place of residence, including:

- attached dwellings;
- boarding houses;
- dual occupancies;
- dwelling houses;
- group homes;
- hostels;
- multi dwelling housing;
- residential flat buildings;

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- rural worker's dwellings;
- secondary dwellings/studios;
- semi-detached dwellings;
- seniors housing; and
- shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Residential care facility means accommodation for seniors or people with a disability that includes:

- meals and cleaning services, and
- personal care or nursing care, or both, and
- appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- bulky goods premises
- cellar door premises
- food and drink premises
- garden centres
- hardware and building supplies
- kiosks
- landscaping material supplies
- markets
- plant nurseries
- roadside stalls
- rural supplies
- shops
- timber yards
- vehicle sales or hire premises, but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi-dwelling housing.

Secondary dwelling means a self-contained dwelling that:

- is established in conjunction with another dwelling (the principal dwelling), and
- is on the same lot of land as the principal dwelling, and
- is located within, or is attached to, or is separate from, the principal dwelling and
- is independently occupiable from the main dwelling.

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Seniors housing means a building or place that is:

- a residential care facility, or
- a hostel within the meaning of *Clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or

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- a group of self-contained dwellings, or
- a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- seniors or people who have a disability, or
- people who live in the same household with seniors or people who have a disability, or
- staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital;

Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Shop means premises that sell merchandise such as groceries, clothing, music, homewares, stationary, electrical goods but does **not** include food and drink premises.

Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

SILEP means the Standard Instrument—Principal Local Environmental Plan.

Social housing provider means a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* which, at the date of adoption of this Plan included:

- the New South Wales Land and Housing Corporation,
- the Department of Housing,
- a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- the Aboriginal Housing Office,
- a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*,
- the Department of Ageing, Disability and Home Care,
- a local government authority that provides affordable housing,
- a not-for-profit organisation that is a direct provider of rental housing to tenants.

Social infrastructure means public amenities and public services but does not include water supply or sewerage services.

Student housing means a building that:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- backpackers' accommodation,
- bed and breakfast accommodation,
- farm stay accommodation,
- hotel or motel accommodation,
- serviced apartments,

but does **not** include—

- camping grounds, or

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- caravan parks, or
- eco-tourist facilities.

Works in kind means the carrying out of work which is identified in the costed works schedule which forms part of this Plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution.

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