

**WESTERN  
PLAINS  
REGIONAL  
COUNCIL**

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Incorporating the former  
Dubbo City & Wellington councils

**Section 94 Development Contributions Plan for  
Dubbo Open Space and Recreation Facilities -  
2016-2026**

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## **1. Introduction and Executive Summary**

### **1.1 Purpose of the Plan**

The Dubbo City Open Space Network and Recreation Facilities need to expand and develop to meet expected population growth, both in spatial terms and in the range and quality of amenity provided. Western Plains Regional Council has identified a range of land acquisition, parkland and sporting facility expansion and related embellishment that is be required to support the growth of Dubbo.

In 2015, the Estimated Resident Population (ERP) of the former Dubbo City Local Government Area (LGA) was 41,934. The Dubbo Local Environmental Plan 2011 (LEP 2011) is based on agreed demographic projections that forecast a minimum population for Dubbo in 2026 of 45,150 and a maximum population of 50,450.

The cost of this new infrastructure would present an unsustainable burden on existing ratepayers. In line with the well-established practice, Western Plains Regional Council proposes to levy appropriate contributions from developers of residential subdivisions, residential accommodation and other developments resulting in the provision of new accommodation undertaken in Dubbo.

This plan has been prepared in accordance with the provisions of Section 94B of the Environmental Planning and Assessment Act, 1979 (the Act) and Part 4 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

### **1.2 Scale of future development**

To provide sufficient residential opportunities to support the projected population growth the Dubbo Local Environmental Plan (LEP 2011) plans for urban expansion involving the release of approximately 6,946 new lots by 2036. By 2026, 4,551 new residential lots should be released for development.

Key to the amenity and attractiveness of residential development is the provision of appropriate community infrastructure including adequate, proximate and useable open spaces and recreation facilities. This projected population growth and consequent urban expansion and development is discussed in greater detail in Section 3 of this Plan.

### **1.3 Timescales identified in the Plan**

This Plan will operate from 1 July 2016 through to the year 2026.

The Plan contains overall expenditure of the following:

- City-wide Contribution \$3,330,000; and
- Local Contribution \$7,056,340.

It is acknowledged that during the life of the Plan the total contributions may not be able to be levied due to the demand for residential development to be undertaken in the City of Dubbo.

All contributions collected from this Plan will be utilised by Council to deliver the projects in the works summary included in Appendix 1 during the operation of this Plan.

The Plan will be reviewed regularly by Council to ensure that the works included in the Plan have the ability to be delivered within a reasonable timeframe consistent with the level of residential development in the City.

If at the end of the ten (10) year life of this Plan works have not been undertaken, consideration will be given by Council to rolling these works into the next iteration of the Plan.

#### 1.4 Administration levy

The preparation and ongoing administration of the Contributions Plan requires the provision of additional resources to ensure the plan is effective and achieves its intended purpose. It is appropriate to recoup some of these costs to ensure Council delivers the required public facilities and the contributions are used effectively and in a timely manner. In order to partially fund these additional services, this Plan documents Council's policy for requiring an Administration Levy.

Activity	Cost
Drafting of Section 94 Contributions Plan	\$23,100.00
Preparation of Open Space Master Plan	\$11,616
<b>TOTAL</b>	<b>\$34,716</b>
Ongoing Plan administration	\$45,000 per annum

Table 1. Plan Administration Levy

To ensure the administration costs associated with preparation of this Plan, the Dubbo Open Space Master Plan and ongoing administration of this Plan do not impact the viability of development in Dubbo, the actual administration levy included in this Plan consists of the following:

Activity	Cost
Drafting of Section 94 Contributions Plan	\$4.90 per person
Ongoing Plan administration	\$18.90 per person
Total	\$23.80 per person

Table 2. Total Plan Administration Levy per Person

## 1.5 Structure of contributions

Contributions levied in this Plan are based on two (2) components including a City Wide contribution and a Local contribution.

The City Wide contribution is levied by Council towards the provision of open space including the embellishment of existing open space, which serves the recreational needs of all residents in the of the former Dubbo Local Government Area.

The Local contribution is towards the provision of open space in one of seven (7) catchment areas throughout Dubbo. These open space catchment areas also correspond with the Australian Bureau of Statistics Census Districts for the Dubbo Statistical Division.

A contribution for any development undertaken within the Urban Area as shown on Figure 2 will be the sum of the following:

**Total Contribution = Citywide PU levy + Local PU levy + Plan Administration levy**

A contribution for any development undertaken outside of the Urban Area as contained in this Plan will be the sum of the following:

**Total Contribution = Citywide PU levy + Plan Administration levy**

CU, LPU and administration contributions are calculated using the following formulae:

**Contribution = Per Capita Net Apportioned Cost x Average Household Occupancy**

This formula includes two key elements, as follows:

- Per Capita Net Apportioned Cost; and
- Average Occupancy = Dubbo Average Occupancy rate for detached single house taken from 2010 Census (2.6 persons)

## 1.6 Summary of facilities

The following information provides a summary of the facilities included in this Plan for the purposes of City-wide contributions and local contributions:

**City-wide Planning Unit**

Location	Name	Type
City Park	Regional Botanical Garden	Embellishment
City Park	Former Sewerage Treatment Plant Lands	Acquisition
North	Bob Dowling Park	Embellishment
North	John McGrath	Embellishment
Regional Botanic Garden	Elizabeth Park car park	Embellishment
Regional Botanic Garden	Elizabeth Park entrance building	Embellishment
Regional Botanic Garden	Elizabeth Park playground	Embellishment

Table 3. Summary of City Wide Planning Unit Projects

**Local Planning Unit**

Planning Unit Location	Name	Type
East North	Alexander Bell Park	Embellishment
Central North	Powter Park	Embellishment
Central South	RAAF Base Park	Acquisition
West South	South West Urban Release Area Open Space	Acquisition and Embellishment
West North	North West Urban Release Area Open Space	Acquisition and Embellishment
East South	South East Urban Release Area Open Space	Acquisition and Embellishment
West South	Delroy North Playground	Embellishment
East South	Margaret Crescent Easement	Embellishment
East South	Keswick Estate Activity Zones	Embellishment
West North	Wiradjuri Park	Embellishment
Central South	Market Garden Sports Fields	Embellishment

Table 4. Summary of Local Planning Unit Projects

**1.7 Summary of contribution rates**

The table provided below includes a summary of the per person contribution rates for each Planning Unit identified in this Plan. The figure included in the contribution column includes a City-wide Planning Unit contribution and a Local Planning Unit contribution.

Planning Unit	Contribution
<b>West (North)</b>	\$1,848.67
<b>West (South)</b>	\$1,891.54
<b>Central (North)</b>	\$1,672.77
<b>Central (South)</b>	\$1,360.58
<b>East (North)</b>	\$1,672.77
<b>East (South)</b>	\$1,736.44

Table 5. Summary of Per Person Contribution Rates

## Contribution by Dwelling Type

Dwelling Type	Dwelling Occupancy Rate
One (1) bedroom dwellings	1.1 persons per dwelling
Two (2) bedroom dwellings	1.6 persons per dwelling
Three (3) or more bedroom dwellings	2.6 persons per dwelling

Table 6. Dwelling Occupancy Rates

## Urban Contribution per Planning Unit

Planning Unit	One (1) Bedroom	Two (2) Bedroom	Three (3) Bedroom or more
<b>West (North)</b>	\$2,033.54	\$2,957.87	\$4,806.54
<b>West (South)</b>	\$2,080.70	\$3,026.46	\$4,918.00
<b>Central (North)</b>	\$1,840.05	\$2,676.43	\$4,349.20
<b>Central (South)</b>	\$1,496.64	\$2,176.93	\$3,537.50
<b>East (North)</b>	\$1,840.05	\$2,676.43	\$4,349.20
<b>East (South)</b>	\$1,910.08	\$2,778.30	\$4,514.76

Table 7. Urban Contribution by Planning Unit

For development undertaken outside the defined urban area and within the R5 Large Lot Residential zone, which adjoins a residential zone under the provisions of the Dubbo Local Environmental Plan 2011, the following contributions will be applicable:

Outside Urban Area Contribution

<b>Number of Bedrooms</b>	<b>Contribution</b>
<b>One (1) Bedroom</b>	\$634.05
<b>Two (2) Bedroom</b>	\$922.23
<b>Three (3) Bedroom or more</b>	\$1,498.67

Table 8. Outside Urban Area Contribution

## 2. Administration and Plan Operation

### 2.1 Name of this Plan

This Plan is the Section 94 Contributions Plan for Dubbo Open Space and Recreation Facilities 2016-2026 (the Plan).

### 2.2 Land to which the Plan applies

The Plan applies to all land within the former Dubbo Local Government Area as shown in Figure 1.

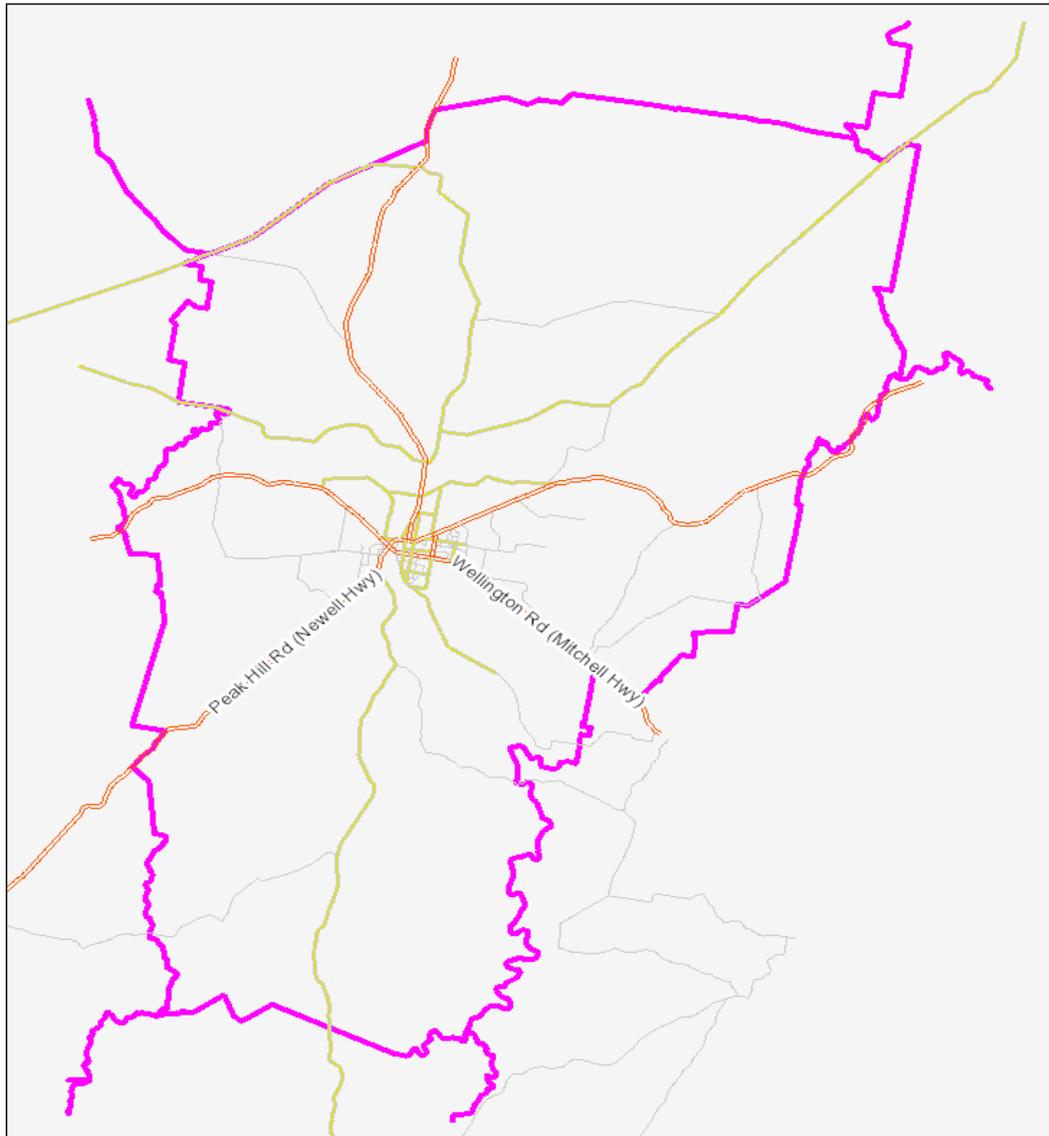


Figure 1. Former Dubbo Local Government Area

## **2.3 Structure of the Plan**

This Plan is arranged into three (3) sections as provided below:

### **Section 1 - Introduction and Executive Summary**

Section 1 of the Plan provides an introduction and summary of the Section 94 Contributions Plan.

### **Section 2 – Administration and Plan Operation**

Section 2 of the Plan provides an introduction and includes the administration and operation functions of the Plan.

### **Section 3 – Strategy (Relationship between people and open space requirements)**

Section 3 of the Plan explains open space and recreational infrastructure and contributions, outlines the forecast future development and basis for increased demand for facilities and services and the nexus and apportionment consideration of the Plan.

## **2.4 What is the purpose of this Development Contributions Plan?**

The purpose of the Development Contributions Plan is to:

- (a) Provide the legal mechanism and framework for Western Plains Regional Council to seek contributions from developers for the provision of open space and recreation facilities in the City of Dubbo from proponents of development applications and complying development certificates.
- (b) Ensure adequate public open space and community infrastructure, as determined by this Plan, is provided to meet the demands generated by new development.
- (c) Ensure the existing community is not burdened by the provision of community infrastructure required as a result of future development.
- (d) Provide an administrative framework under which specific community infrastructure strategies may be implemented and coordinated.
- (e) Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.
- (f) Ensure Council is publicly and financially accountable in its assessment and administration of the Plan.

## **2.5 Commencement of this Plan**

This Development Contributions Plan has been prepared pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 and Part 4 of the Environmental Planning and Assessment Regulation, 2000 and takes effect from the date on which public notice was published, in accordance with Clause 31(4) of the Regulation.

The Plan commences on 1 July 2016.

## **2.6 Operation Period of the Plan**

This Plan operate from 2016-2026 (ten (10) years). During this period, the Plan will be monitored and regularly updated or amended to meet variations in growth projections and development priorities.

## **2.7 Relationship with other Land Use plans, reports and policies**

This Plan has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000.

This Plan supersedes the Section 94 Contributions Plan Open Space and Recreation Facilities 2006-2016.

The Plan also should be read in conjunction with the Dubbo Local Environmental Plan 2011 and the Dubbo Development Control Plan 2012.

## **2.8 Development to which this Plan applies**

This Plan applies to the following development types undertaken on land to which this plan applies:

- Subdivision undertaken for the purposes of residential or rural residential development;
- Residential accommodation (as defined in the Dubbo Local Environmental Plan 2011) resulting in the undertaking of residential development;
- Tourist and visitor accommodation; and
- Seniors Housing.

It should be noted that for residential and rural residential subdivision undertaken in the defined Urban Contributions Area a three (3) or more bedroom dwelling contribution will be applied.

## **2.9 Development Exempt from the Plan**

The types of development exempted from the application of this plan include:

- The undertaking of a dwelling house on an existing allotment of land jointly rated for water and sewer (except where subdivision or an increase in population density is involved).
- A change of use not involving the creation of additional lots or residential accommodation.
- Development classified as being Exempt development in a State Environmental Planning Policy, the Dubbo Local Environmental Plan 2011 or any other Exempt development as determined by the Minister.

- Rural or farming enterprises, not resulting in an increase in the demand for open space facilities.

### **2.10 Payment of contributions**

Contributions levied by this Plan are required to be paid in any one (1) of the situations as provided below:

- (a) Where a development consent has been issued and an occupation certificate is required, prior to the issue of any occupation certificate.
- (b) Where a development consent has been issued and an occupation certificate is not required, prior to the commencement of the development.
- (c) Where a development consent has been issued for a subdivision and a subdivision certificate is required, prior to release of the subdivision certificate.
- (d) Where a development consent has been issued for a subdivision and a subdivision certificate is not required, prior to commencement of the development.
- (e) Where a complying development certificate has been issued, prior to issue of the occupation certificate.

### **2.11 Methods of Payment**

In accordance with the provisions of the Act, an obligation to provide contributions toward community 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.

The method of payment of a contribution will be specified as a condition of development consent will be specified as a condition of the development consent although Council may consider any of the abovementioned alternative methods of payment at its sole discretion and in accordance with the provision of this Plan.

### **2.12 Construction Certificates and the obligation of accredited certifiers**

In accordance with Section 94EC of the Environmental Planning and Assessment Act, 1979 and Clause 146 of the Environmental Planning and Assessment Regulation, 2000, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts

must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the Regulation. Failure to follow this procedure may render such a certificate invalid.

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

### **2.13 Complying development and the obligation of accredited certifiers**

In accordance with Section 94EC(1) of the EPA Act, this Plan requires that, in relation to an application made to an accredited certifier for a complying development certificate:

- The accredited certifier must, if a complying development certificate is issued, impose a condition requiring a development contribution, if such a contribution is authorised by this Plan;
- The amount of the monetary contribution that the accredited certifier must so impose by way of condition is the amount determined in accordance with this clause; and
- The terms of the condition must be in accordance with this clause.

The terms of the condition an accredited certifier shall include on a Complying Development Certificate is as follows:

*“Contribution required to be payed to Western Plains Regional Council*

*The developer must make a monetary contribution to Western Plains Regional Council for the amount of \$[insert amount] for the purposes of the Section 94 Contributions Plan Open Space and Recreation Facilities 2016 to 2026.*

*The monetary contribution shall be paid to Council prior to occupation of the development.*

*The relevant contribution shall be indexed in accordance with the indexation requirements included in the Section 94 Contributions Plan. Alternatively you can contact Western Plains Regional Council to seek the correct contribution amount required to be payed.”*

### **2.14 Material public benefit and works-in-kind**

Council may accept an offer by a developer to provide an ‘in-kind’ contribution (ie the developer completes part or all of work/s identified in the Plan) or provision of another material public benefit (other than the dedication of land) in lieu of the developer satisfying its obligations under this Plan.

Council is under no obligation to accept works-in-kind or material public benefit (MPB) offers. Under no circumstances will Council consider any proposal from a developer for an 'in-kind' contribution for any works or other items that are not included in the work schedule included in Appendix 1 of this Plan.

Council in the consideration of any offer, will assess the benefits to the Council, the Dubbo community and give due consideration to relevant matters including the following:

- (a) The extent to which the works/ MPB satisfies the purpose for which the contribution was sought;
- (b) The works-in-kind being facilities which are already included in the Plan;
- (c) The extent to which the MPB satisfies a community need or may reduce the demand for levied items;
- (d) The impending need to construct the works for which the contributions are to be offset;
- (e) The provision of the works/ MPB will not prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's Plan;
- (f) An assessment of the shortfall or credit in monetary contributions as a result of the proposal;
- (g) The availability of supplementary funding to make up the shortfall in contributions;
- (h) Location and other factors that may affect usability;
- (i) Impact of recurrent operational and maintenance costs; and
- (j) 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 developments (i.e. normally the works will need to relate to a whole street block or a defined precinct).

In accepting material public benefits other than a 'work-in-kind', Council must be:

- Satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan; and
- The benefit warrants Council accepting responsibility in fulfilling the intent of the Plan notwithstanding a reduction in expected cash contributions.

A 'work-in-kind' relates to the undertaking of a specific or equivalent work specified in the Plan, and is therefore more readily able, in comparison to other material public benefits, to meet the above criteria. However, Council may not accept a material off-set to the cash contribution to be paid for a facility, where the offset is worth more than the cash contribution otherwise payable.

If the cost of a work-in-kind exceeds the cash payment required by a development consent under the facility category that relates to the work-in-kind, Council may consider the following:

- Provision of the work at the applicant's expense with Council recouping contributions from future development and reimbursing the applicant for costs exceeding the applicant's share, up to the total estimated cost in the Plan; or
- Granting a credit to the applicant on the basis of the equivalent number of persons, beds or workers that the applicant may rely upon to offset contributions otherwise payable under this Plan for other development within the Contributions Catchment.

### **2.15 Deferred payments**

Council may accept the deferment of the payment of a contribution for a subdivision that creates in excess of 10 allotments subject to the following conditions:

- (a) Lodgement of an unconditional bank guarantee to cover the amounts of the contribution;
- (b) All money due as part of a deferred contribution is paid to Council within 12 months of the uplift of a subdivision certificate;
- (c) Council will only accept one (1) bank guarantee at a time over a subdivision (defined as a known estate); and
- (d) Prior to Council accepting any further bank guarantee, all outstanding contributions under bank guarantee must be paid to Council.

The decision to accept a deferred payment through bank guarantee requires approval from the relevant Director and the General Manager prior to uplifting of the relevant subdivision certificate and all legal expenses to be covered by the developer.

Alternatively, Council can consider permitting the deferred payment of contributions in accordance with the Council Policy for the Deferred Payment of Developer Contributions for Residential Subdivision.

### **2.16 Planning Agreements**

For any deferred payment arrangement entered into the Council and a developer, all legal expenses including Council's expenses are due to be met by the developer.

The Environmental Planning and Assessment Act, 1979 allows for the negotiation of voluntary planning agreements between Councils, developers, and/or other planning authorities for the provision of public purposes.

Public purposes are defined in the Environmental Planning and Assessment Act, 1979 as (without limitation):

- The provision of (or the recoupment of the cost of providing) public amenities or public services;
- The provision of (or the recoupment of the cost of providing) affordable housing;
- The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of the development; and
- The conservation or enhancement of the natural environment.

Council may seek to negotiate planning agreements with relevant parties in relation to major developments. Such agreements may address the substitution of, or be in addition to, the Section 94 Contributions required under this Plan.

Any draft Planning Agreement shall be subject to any provisions of any Ministerial Directions made under the Environmental Planning and Assessment Act, 1979 or Environmental Planning and Assessment Regulation relating to Planning Agreements.

### **2.17 Indexation**

During the life of this plan, contributions will be indexed for the effects of inflation. The indexation will occur in accordance with the requirements of the Environmental Planning and Assessment Regulation, 2000, which identifies the Consumer Price Index (Sydney All Groups) (ABS Catalogue No 6401.0) as the appropriate index to use.

Indexation will occur at 1 July each year and is based on the annual % change for the 12 months to March of that year. Where a negative annual % change in this index occurs, contributions shall be indexed at 0%.

### **2.18 Review of the Plan**

It is intended to monitor the Plan on a regular basis as it contains forecasts of future development including likely future populations and the likely demands and costs of providing community infrastructure for the growing population.

The cost of works proposed by the Plan (including land values) may also need review over time if the indexation of costs may not adequately reflect actual costs at the time.

A review of the Plan may be triggered by any of the following items or otherwise:

- Significant rises in construction or land acquisition costs beyond that covered by the referenced CPI rate.
- Where a material public benefit (MPB) is accepted in lieu of a financial contribution.
- If in the opinion of Council, the underlying demographic, housing occupancy and development timing assumptions underpinning the plan change significantly.

Notwithstanding the above, Council will undertake a review of the Plan every three (3) years.

### **2.19 Pooling of Contributions**

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

### **2.20 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 and this is undertaken as part of Council's quarterly and annual financial reporting cycle.

### **2.21 Treatment of funds received prior to the commencement of this Plan**

Funds levied and received under previous plans prior to 1 July 2016 will be used to finalise the delivery of open space and recreation facility infrastructure identified in the previous Plan 'Section 94 Contributions Plan – Open Space and Facilities 1999-2016'.

Following the commencement of this Plan, funds levied and received under this plan will be used toward the delivery of the specific works identified in Section 4 of this Plan.

### **2.22 Calculation of contributions**

The open space and recreation facilities contributions authorised under this Plan are based on the analysis and findings contained in the Dubbo City Park and Open Space System (Strategic Open Space Master Plan), which was adopted by the former Dubbo City Council on 23 March 2009 and reviewed in 2015.

The contributions are based on the open space works program detailed in Section 4 of this Plan.

The Plan contains the following components which are used to calculate the applicable contribution for a development:

1. Citywide Planning Unit Component;
2. Local Planning Unit Component; and
3. Plan Administration Component.

The definition of Citywide Unit (CU), Local Planning Unit (LPU) and administration elements are contained in Section 2.24.

#### **2.22.1 Urban Contribution**

The Urban Contribution Area is shown in Figure 2 and is included in Appendix 2.

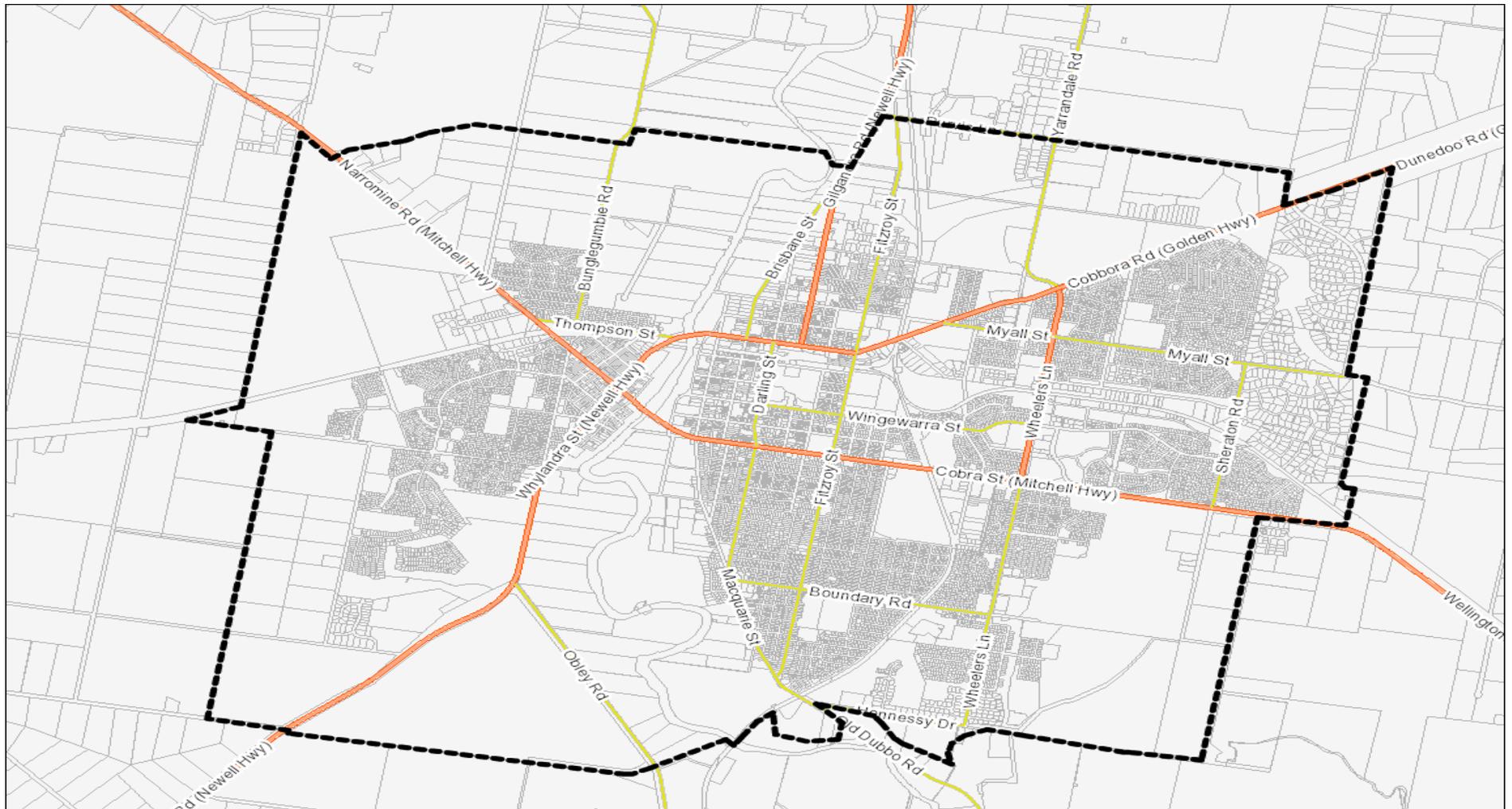


Figure 2. Urban Contributions Area

 Urban Contribution Area subject to the City-wide, Planning Unit and Administration Contribution

Any applicable development undertaken in the area specified above will be levied a contribution in accordance with the following formula:

**Total Contribution = Citywide PU levy + Local PU levy + Plan Administration levy**

### **2.22.2 Outside of Urban Area Contribution**

Any applicable development on land zoned R5 Large Lot Residential, which adjoins zoned residential land in the Dubbo Local Environmental Plan 2011 will be levied a contribution in accordance with the following formula:

**Total Contribution = Citywide PU levy + Plan Administration levy**

The City Wide Planning Unit Levy, the Local Planning Unit Levy and the Plan Administration Levy are calculated in accordance with the following formula:

**Contribution = Per Capita Net Apportioned Cost x Average Household Occupancy**

This formula includes two key elements, as follows:

- Per Capita Net Apportioned Cost (which is derived from the planned acquisition and embellishment activities included in the Plan). The Per Capita Net Apportioned Cost is included in the Plan Work Schedule provided in Appendix 1.
- Average Residential Occupancy per Premise. The average residential detached dwelling house occupancy rate for Dubbo as taken from the 2011 Census was 2.6 persons.

### **2.22.3 Plan Administration**

The effective coordination and administration of the Plan is required to be undertaken by Council to ensure the Plan remains effective and adequately addresses the need for the provision of essential open space facilities and services and facilitates orderly development.

The Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 allows Council to levy contributions for administration towards the capital costs associated with preparation of this Plan, the Dubbo Open Space Master Plan and the ongoing Plan administration.

Administration of the Plan will generally involve the following activities by Council:

- Monitor the receipt of and authorise the expenditure of cash contributions;
- Assess the merit of land proposed to be dedicated in accordance with the requirements of this Plan;
- Monitor, undertake and review the works identified in the work schedule to ensure they are undertaken in a cost effective and timely manner;
- Undertake regular review of the works schedule in accordance with the contributions received and expended by Council in achievement of the identified works;
- Undertake review of contribution rates in accordance with construction costs, demand, and general demographic changes;
- Continue to advise the Council of appropriate management, expenditure and policy implications regarding development contributions changes and advice from the State Government and any legal advice received by Council;
- Assess and determine the level of contributions payable for development applications and complying development certificates;
- Ensure the ongoing management of contributions collected in this Plan is undertaken in accordance with the requirements of the Environmental Planning and Assessment Act, 1979, the Environmental Planning and Assessment Regulation, 2000 and any other requirements provided by the State Government.

Table 9 details the overall costs incurred for the following components of the administration levy:

- Preparation of the Plan;
- Preparation of the Open Space Master Plan; and
- Ongoing Plan administration.

Activity	Cost
Drafting of Section 94 Contributions Plan	\$23,100
Preparation of Open Space Master Plan	\$11,616
<b>TOTAL</b>	<b>\$34,716</b>
Ongoing Plan administration	\$45,000 pa

Table 9. Plan Administration Levy

As detailed above, the ongoing Plan administration costs associated with management of the Plan and contributions is \$45,000 per annum. During the life of the Plan, this would amount to \$450,000. If Council was to recoup the costs associated with administration of the Plan, this would place a further burden on residential development in Dubbo.

Based on the provision of 250 new dwellings in Dubbo per annum and a total of 2,500 dwellings constructed during the life of the plan, the overall plan administration cost per dwelling would equal \$180.00.

To ensure the administration costs associated with preparation of this Plan, the Dubbo Open Space Master Plan and ongoing administration do not impact the viability of development in Dubbo, the actual administration levy included in this Plan are included in Table 2.

Activity	Cost
Drafting of Section 94 Contributions Plan	\$4.90 per person
Ongoing Plan administration	\$18.90 per person
Total	\$23.80 per person

Table 10. Plan Administration Levy by Person

### 2.23 Dubbo Planning Units

The implications of population growth on the Dubbo Open Space and Recreation Facilities systems are twofold:

- Existing areas and facilities will need to be developed to cater for greater usage; and
- New areas will need to be acquired and developed to support urban expansion.

The impact of these requirements will vary from one part of Dubbo to another. To assist in the identification and assessment of the impacts, the former Dubbo Local Government Area has been divided into six (6) separate planning units.

Figure 3 shows the Dubbo planning units. The location of the six (6) separate planning units are also consistent with the characteristics of the statistical subdivisions used by the Australian Bureau of Statistics in the preparation and presentation of relevant demographic and other data.

The six (6) separate planning units included in the Plan are as follows:

1. West (North);
2. West (South);
3. Central (North);
4. Central (South);
5. East (North); and
6. East (South).

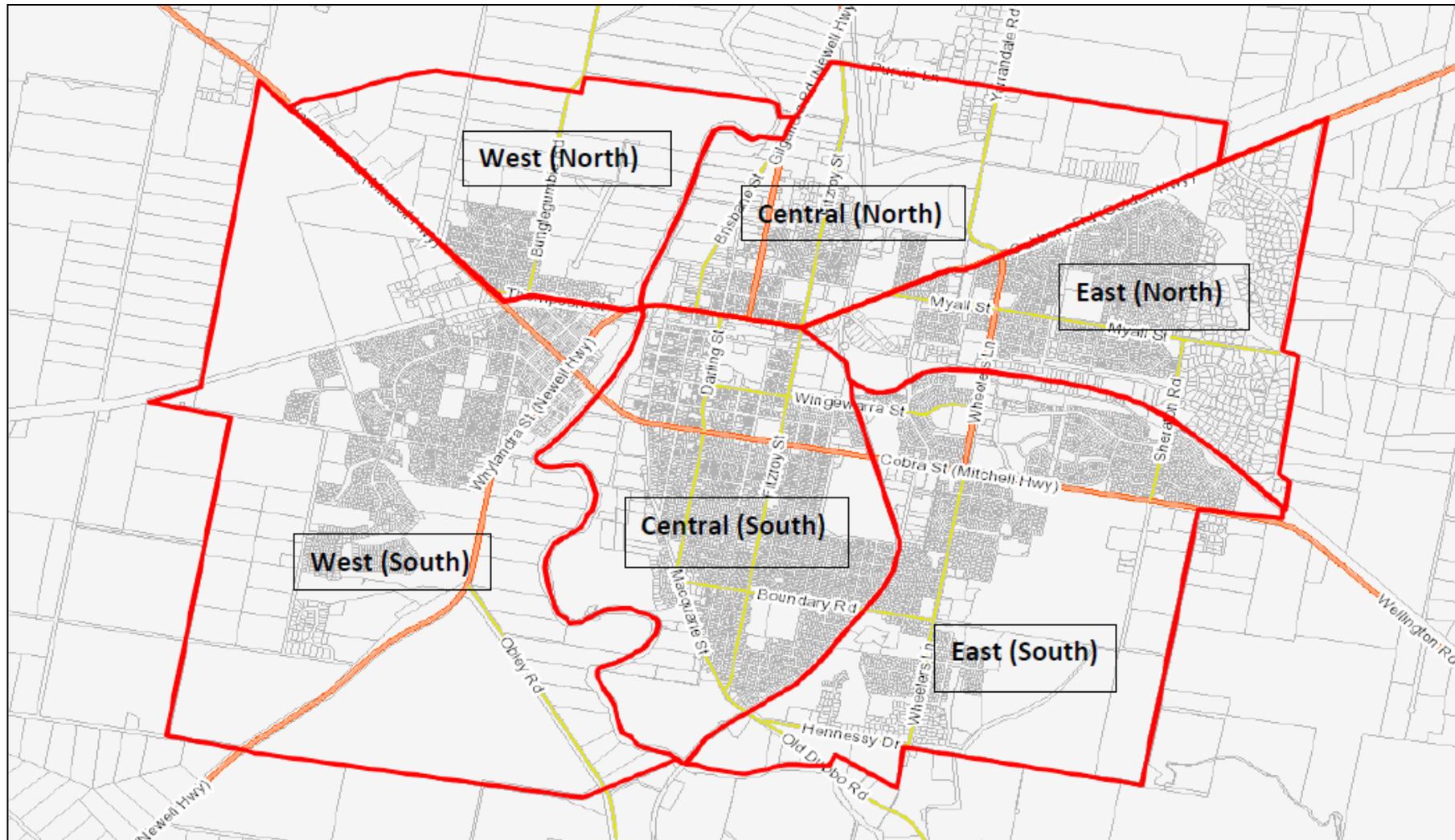


Figure 3. Dubbo Planning Units

## **2.24 Savings and transitional arrangements**

The following savings and transitional arrangements will be applied:

- For a development application submitted to Council prior to the commencement date of this Plan as contained in Section 2.5 will be assessed in accordance with the provisions of the former Section 94 Contributions Plan Open Space and Recreation Facilities.
- For a development application submitted to Council after the commencement of this Plan shall be assessed in accordance with the provisions contained in this Plan.
- For a development application approved prior to the commencement of this Plan and levied contributions under the provisions of the former Section 94 Contributions Plan Open Space and Recreation Facilities, payment of the relevant contribution will be required to be made in accordance with the former Section 94 Contributions Plan Open Space and Recreation Facilities.

### 3. Contributions Strategy

#### 3.1 Demographic Trends

##### 3.1.1 Population Statistics

The City of Dubbo is situated 408 km west from Sydney. A thriving and vibrant regional centre, today Dubbo is one of the State's largest inland cities with a population in 2015 of 41,934 people, servicing a catchment population in excess of 120,000 people.

Overall, 24% of the population is between 0 and 15 years of age and 14.2% of the population are in excess of 65 years of age. Home ownership in the City accounts for 62.15% of the population where 84.69% reside in separate dwelling houses.

##### 3.1.2 Population Trends

###### Population Outlook for Dubbo City Council

In 2012, Council commissioned a study into the long-term demographic trends impacting the Dubbo Local Government Area. The study is titled 'Population Outlook for Dubbo City Council'. The report was conducted by noted demographer Bernard Salt of consultants KPMG.

The study critically analysed historical trends in Dubbo's population back to 1971 and identified key issues that should be taken into account when projecting Dubbo population out to 2036. The report presents a range of population growth scenarios for Dubbo, based on a conservative approach to key assumptions regarding fertility, mortality and migration.

These scenarios are summarised below in Table 11.

Scenarios	2010	2011	2016	2021	2026	2031	2036
<b>Low Series</b>	41,760	42,050	43,590	44,820	45,850	46,470	46,670
<b>Mid Series</b>	41,760	42,137	44,020	45,903	47,786	49,669	51,550
<b>High Series</b>	41,760	42,290	44,890	47,650	50,450	53,420	56,420

Table 11. Dubbo Population Series Projections

In accordance with the provisions of the Dubbo Community Strategic Plan (Dubbo 2036), the Dubbo Local Environmental Plan 2011 and other key strategic planning documents, this plan is based on the mid series estimates. This shows a total population in Dubbo by 2026 of 47,786.

### Department of Planning and Environment Population Projections

The NSW Department of Planning and Environment produces population growth and development statistics for each local government area in NSW from 2011 through to 2031. The population and development statistics include the following components:

- Total population change
- Average annual population change
- Total household change
- Household size
- Average annual household growth
- Implied dwellings
- Population projections by age group
- Household

Table 12 shows the projected population growth in Dubbo from 2011 to 2031.

	<b>Total Population</b>	<b>Total Population Change</b>	<b>Average Annual Growth</b>
<b>2011</b>	40,250		
<b>2016</b>	41,950	1,700	0.8%
<b>2021</b>	43,650	1,650	0.8%
<b>2026</b>	45,150	1,550	0.7%
<b>2031</b>	46,500	1,350	0.6%

Table 12. Dubbo Population Projection

The former Dubbo Local Government Area also contains a higher proportion of the population below the age of 15 and above the age of 65 as shown in Figure 4.

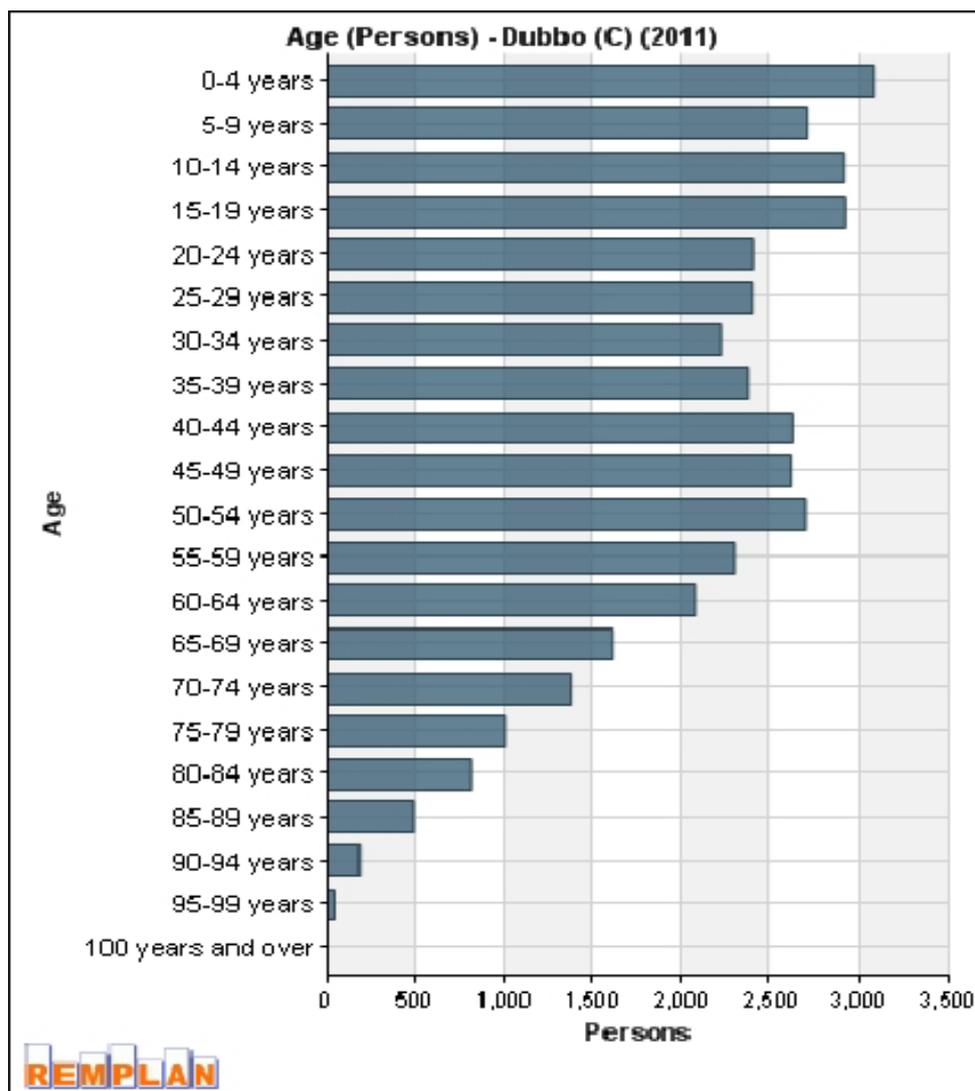


Figure 4. Dubbo Age Population Profile

### 3.2 Total Housing Demand

The current average household size in Dubbo is 2.6 persons (Census 2011). The Dubbo City Planning and Transportation Strategy 2009 (2009 Strategy) anticipates a progressive decrease in this figure to around 2.3 persons per household by 2036. This decrease in the average household size in Dubbo is also consistent with the population projections prepared by the State Government Department of Planning and Environment. Based on the average household size, the projected demand for new dwellings over this period is summarised in Table 13.

	2016	2026	2036
<b>Extra population (from 2010 base)</b>	2,260	6,026	9,790
<b>Cumulative Extra dwellings</b>	860	2,620	4,256

Table 13. Dubbo Total Housing Demand

The 2009 Strategy assumes the maintenance of a long term construction average of 250 new dwellings per year, which would provide a sufficient supply to support the anticipated population growth. Council in its long term strategic planning continues to plan for a projected population increase that will require the provision of 250 new dwellings per annum.

### 3.3 Anticipated Development

The Dubbo Local Environmental Plan 2011 zoned additional lands in the City to facilitate residential development. These areas were zoned in the North-West, South-West and the South-East and are classified as designated Residential Urban Release Areas in the Dubbo LEP 2011.

Western Plains Regional Council plans to accommodate the majority of new growth through the staged release of development lots in the identified Residential Urban Release Areas. To assist the orderly release and development of these lands, Council also prepared designated Residential Release Strategies to identify overall principles and strategies for the development of these lands.

The Dubbo LEP 2011 also provides a minimum allotment size for subdivision of 600 square metres in the defined Residential Urban Release Areas. Based on this minimum allotment size, each of the Residential Urban Release Areas could provide for the additional development, as set out in Table 14.

<b>Urban Release Area</b>	<b>Potential Lots (Approximate)</b>
North-West	2,675
South-West	3,216
South-East	1,553

Table 14. Dubbo Residential Urban Release Area Potential Lots

However, given the location of lands within the Residential Urban Release Areas and the proximity to lands zoned RU2 Rural Landscape, the approximate development yield may be slightly reduced due to subdivisions being developed with larger minimum allotment sizes or with variance in minimum allotment sizes.

It should also be noted that future residential development and growth in Dubbo will also be complemented by infill development and urban consolidation in the existing urban area of Dubbo and a level of development in the rural areas.

The map provided on the following page shows the overall location and potential development yield from each Residential Urban Release Area.

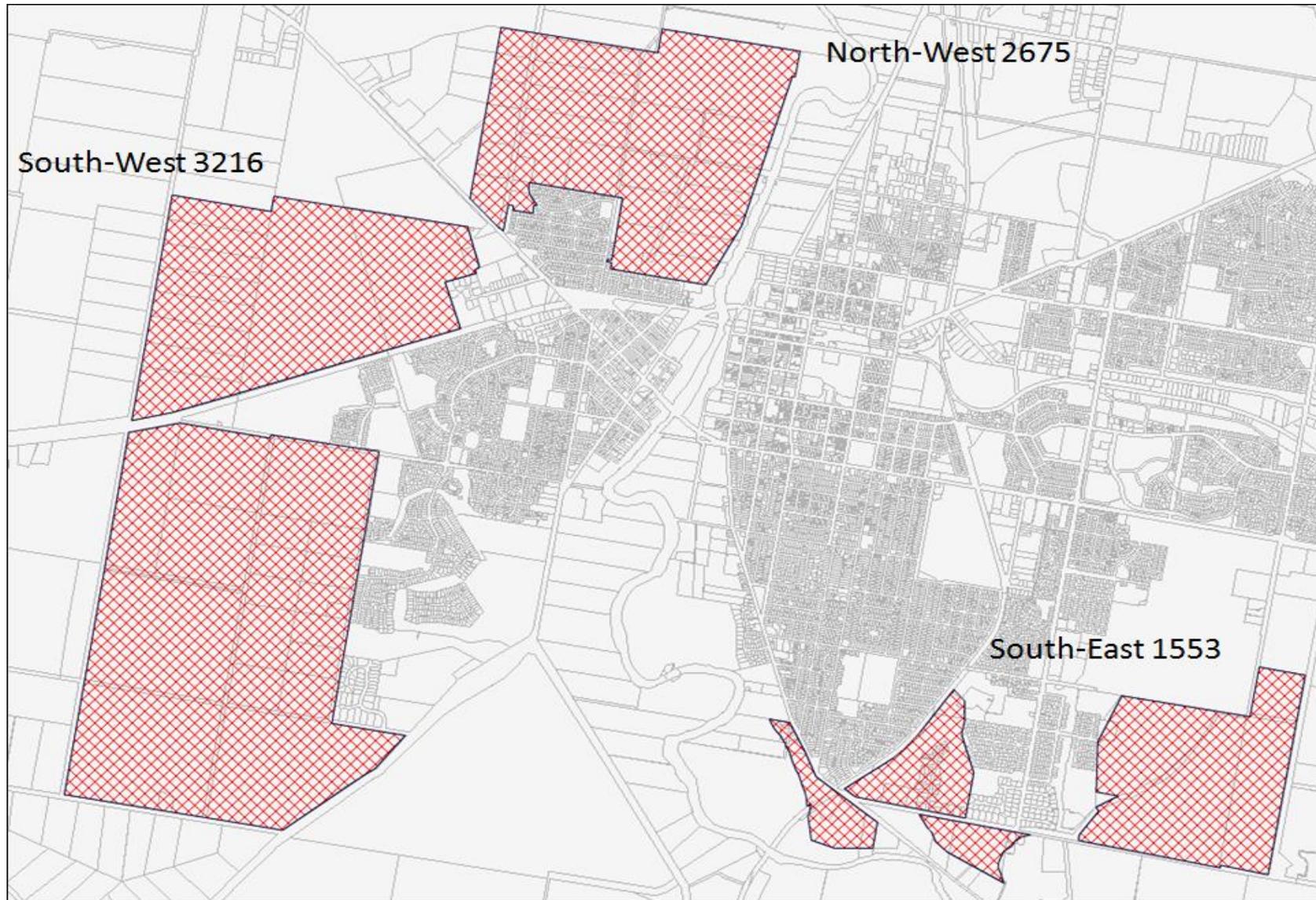


Figure 5. Location of Residential Urban Release Areas Dubbo Local Environmental Plan 2011

### **3.4 Demand Quantification**

#### **3.4.1 Dubbo Open Space Master Plan**

The former Dubbo City Council adopted the Dubbo Open Space Master Plan on 23 March 2009 as a strategy for the future development of the City's open space system. The Master Plan was also the subject of a review undertaken by the former Dubbo City Council in October 2015. This Master Plan is entitled Dubbo City Park and Open Space System ('Open Space Master Plan').

The Master Plan identifies ready access to open space and recreational facilities as a key feature of the character of Dubbo. It provides a quantitative and spatial analysis of the current and future demand for open space compared to current supply. The Master Plan provides recommendations for developing and expanding the green web to support current and future populations.

The Master Plan outlines a typology of open space areas, related to the type of facilities offered and the level of access provided. These types include the following:

- Local Parks – parks providing limited range of recreational opportunities for local residents of one planning unit.
- District Parks – larger in size and providing wider range of facilities and activity spaces for recreation for residents of a number of planning units. Facilities sufficient to cater for large groups.
- Regional Parks – major recreation park that offer a wide variety of opportunities to all Dubbo residents citywide and for visitors. Generally large in size, well embellished for recreation, and a landmark location for residents.
- Sporting Parks – structure and fitted for formal sporting activities such as team competitions, physical skill development and training. Involve a distinctive capital development and maintenance regime focused on supporting recognized sporting activities.

As a key component of the open space analysis methodology in the Master Plan, the Plan uses accepted international benchmarks to arrive at a "desired standard of service" metrics which identifies the average hectares per resident and the average distance from residents to each of three facility levels.

The Master Plan concludes that while there are some variations amongst planning units as well as between park types, overall the current open space and sporting park networks meet the desired standards of service for most residents across Dubbo. This analysis is summarised in Table 15.

Park Category	Desired Level of Service (DSS) (Ha/1000 )	Current Supply (Ha/1000)	Difference (Ha/1000)
Local	1.5	1.39	-0.11
District	3.0	3.68	0.68
Regional	0.5	0.30	-0.20
Sub-Total	5.0	5.37	0.37
Sporting	2.8	2.82	0.02
<b>Total</b>	<b>7.8</b>	<b>8.19</b>	<b>0.39</b>

Table 15. Provision of open space and recreational facilities

Both the total stock of open space and recreation facilities, and the locations and types of park facilities will need to expand and adjust to accommodate the projected population growth included in the Plan.

Based on this analysis, Dubbo will need over 30ha extra recreational park space and over 16 ha extra for sporting parks space by 2026.

At the same time, it is recognised that works need to be undertaken in Dubbo to address imbalances and improve the overall qualitative standards of the existing open space offer. The open spaces master plan identifies a program of improvements to existing open spaces to improve the amenity of these facilities, which have been adopted by this Plan for the levying of Section 94 Contributions on future residential and other applicable development types.

### 3.4.2 Dubbo City Park

A core element of the Dubbo Open Space Master Plan is the creation of a central Dubbo City Park that integrates existing riverside and urban park areas into one contiguous major recreation facility that connects all parts of Dubbo together and is readily accessible to most Dubbo residents.

The City Park has two (2) separate components in the form of an urban spine and a natural system spine that cross in the vicinity of the Macquarie Lions Park and the Dubbo Visitor Information Centre. The natural spine would include all lands in the vicinity of the Macquarie River and the riverbank environments. The urban spine runs east along Church Streets and Wingewarra Streets. In the west, the urban spine includes land to the Macquarie Anglican Grammar School including East Street and Baird Drive.

The City Park incorporates many smaller parks including Sir Roden Cutler Park, Sandy Beach Park, the Lady Cutler Ovals, Lion Park, Devils Hole

Reserve along the River, and numerous parks within Dubbo such as Victoria Park, Show Ground, Apex Park, Jubilee Park and Elizabeth Park, as well as involving significant new acquisitions and development of parkland along both sides of the Macquarie River.

The spatial structure and location of the City Park is shown in Figure 6.

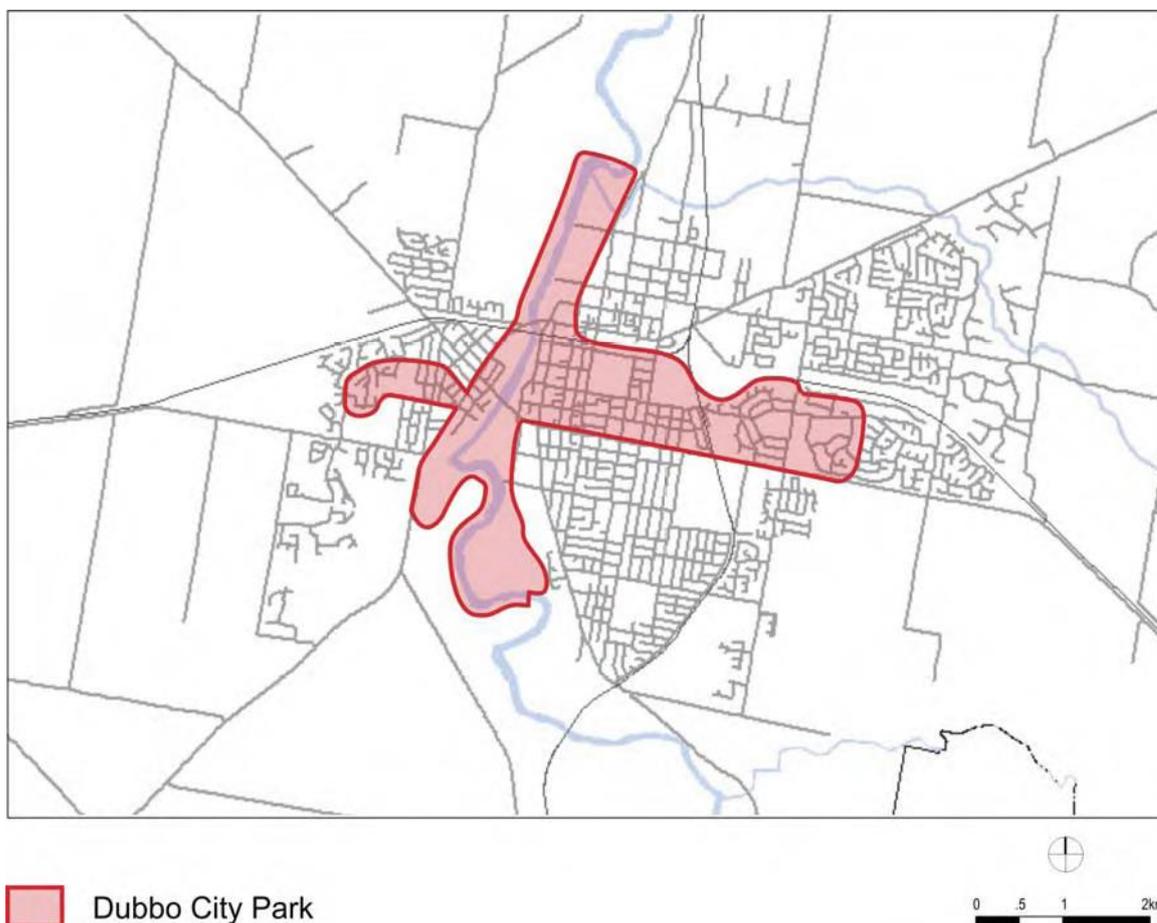


Figure 6. Location of the Dubbo City Park

### 3.5 What is the relationship between expected demand and the delivery of infrastructure?

#### 3.5.1 What is nexus?

Nexus is the relationship between the expected types of development in Dubbo and the need for additional open space and recreational facilities created by the developments.

In accordance with the requirements of the Clause 27 of the Environmental Planning and Assessment, Regulation, 2000, Nexus is a core component in a Section 94 Developer Contributions Plan. Nexus consists of three (3) central components including causal nexus, spatial nexus and

temporal nexus. Compliance with the requirements of each component is provided below.

### **3.5.2 Causal Nexus**

Dubbo is projected to experience strong population growth 2016 through to 2036. To meet the identified shortfall in open space and recreational facilities demands for the current population and to ensure the demands of a growing population can be met, the contributions collected under the provisions of this Plan will assist Council to deliver new facilities to meet the demands for open space and recreational facilities.

Establishment of the need for further open space and recreational facilities (causal nexus) is derived from the former Dubbo City Council's adoption of the Dubbo Open Space Master Plan on 23 March 2009 adopted the Master Plan as a strategy for the future development of the City's open space system.

To implement the recommendations of the Master Plan, a detailed forward works schedule has been developed. These works have been categorized according to whether they are to support local, district or regional parks, and are linked back to the strategies and recommendations of the Open Space Master Plan.

### **3.5.3 Spatial Nexus**

Based on the provisions of the Dubbo Open Space Master Plan, this Plan adopts an overall contributions regime based on the following:

- City-wide Contribution;
- Planning Unit Contribution; and
- Plan Administration Contribution.

The City-wide Contribution includes the levying of contributions towards open space and recreational facilities included in the overall City Park area as defined in the Dubbo Open Space Master Plan. Open space and recreational facilities included in the City Park are facilities that area designed for all residents in Dubbo to have access to given their central location to the Macquarie River and the Dubbo Central Business District.

The Planning Unit Contribution is based on open space and recreational facilities that are only likely to benefit one (1) individual Planning Unit or no more than two (2) adjoining Planning Units. Table 16 shows the works included in the Plan and their relationship with the Planning Units introduced in Section 2.25 of the Plan.

	Type	Planning Unit	Planning Unit
<b>Alexander Bell Park</b>	Embellishment	Central (north)	East (north)
<b>Powter Park Amenities</b>	Embellishment	Central (north)	East (north)
<b>Former RAAF Base Park</b>	Embellishment	Central (south)	East (south)
<b>South-West Residential Area</b>	Acquisition and Embellishment	West (south)	
<b>North-West Residential Area</b>	Acquisition and Embellishment	West (north)	
<b>South-East Residential Area</b>	Acquisition and Embellishment	East (south)	
<b>Delroy North</b>	Embellishment	West (south)	
<b>Holmwood Estate</b>			
<b>Margaret Street Easement</b>	Embellishment	East (south)	
<b>Keswick Estate Activity Zones</b>	Embellishment	Central (south)	East (south)
<b>Wiradjuri Park</b>	Embellishment	West (north)	
<b>Regand Park</b>	Embellishment	Central (south)	
<b>Market Garden Sports Fields</b>	Embellishment	Central (south)	

Table 16. Open Space and Recreational Projects by Planning Unit

Table 16 shows there are four identified works included in the Plan that will service the population in Central and East Dubbo in relation to Alexander Bell Park and embellishment activities at Powter Park. The table also identifies that the proposed RAAF Base Park and the embellishment in the form of activity zones in the Keswick Estate will be utilised by residents in the Central South and South East Dubbo.

### 3.5.4 Temporal Nexus

The nature of residential growth and development in Dubbo requires flexibility in the consideration of infrastructure priorities and the timing of their delivery.

The work program included in the Plan is reviewed biannually 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.

In the case of development undertaken in the Residential Urban Release Areas included in the Dubbo Local Environmental Plan 2011, if development proceeds to be undertaken in the north-west and the south-west residential areas, Council will prioritise the specific works in these areas.

This Plan allows Council to pool funds to ensure projects identified in the Plan can be delivered in a timely manner and in locations where residential development pressures require the open space and recreational facilities.

### **3.6 Apportionment**

The Dubbo Open Space Master Plan has identified a significant shortfall in the future provision of open space and recreational facilities for the increasing residential population. Based on the projected population of Dubbo in 2026, this shortfall is projected to be over 30 hectares in recreational space and 16 hectares in sporting fields.

This Plan adopts an approach based on planning units. This means that the individual Planning Unit contribution, which is levied in each Planning Unit, is based on the delivery of specific acquisition and/or embellishment activities included in the Planning Unit.

This Plan includes the spending of a total of \$10,386,340 on open space and recreational facilities in the City. Of this spending, a total of \$4,800,000 is proposed to be put towards the acquisition and embellishment of lands for open space and recreational facilities in the defined Residential Urban Release Areas in the City.

**Appendix 1 – Work Schedule**

Unit Location	Item	Type	Works Category	Capital Cost	West (North)	West (South)	Central (North)	Central (South)	East (North)	East (South)
Drafting of Section 94 Plan					\$4.90	\$4.90	\$4.90	\$4.90	\$4.90	\$4.90
Plan Administration (Per Person)					\$18.90	\$18.90	\$18.90	\$18.90	\$18.90	\$18.90
City Park	Regional Botanical Garden	Regional	Embellishment	\$1,430,000.00	\$237.31	\$237.31	\$237.31	\$237.31	\$237.31	\$237.31
City Park	Former Sewerage Treatment Plant Lands	Regional	Acquisition	\$150,000.00	\$24.89	\$24.89	\$24.89	\$24.89	\$24.89	\$24.89
North	Bob Dowling	City wide	Embellishment	\$350,000.00	\$58.08	\$58.08	\$58.08	\$58.08	\$58.08	\$58.08
North	John McGrath	City wide	Embellishment	\$350,000.00	\$58.08	\$58.08	\$58.08	\$58.08	\$58.08	\$58.08
Regional Botanic Garden	Elizabeth Park Car Park	City wide	Embellishment	\$450,000.00	\$74.68	\$74.68	\$74.68	\$74.68	\$74.68	\$74.68
Regional Botanic Garden	Elizabeth Park Entrance Building	City wide	Embellishment	\$600,000.00	\$99.57	\$99.57	\$99.57	\$99.57	\$99.57	\$99.57
<b>Total Citywide Contribution</b>				<b>\$3,330,000.00</b>	<b>\$552.61</b>	<b>\$552.61</b>	<b>\$552.61</b>	<b>\$552.61</b>	<b>\$552.61</b>	<b>\$552.61</b>
East (North)	Alexander Bell Park	District	Embellishment	\$146,400.00			\$404.91		\$404.91	
Central (North)	Powter Park Amenities	District	Embellishment	\$250,000.00			\$691.45		\$691.45	
Central (South)	RAAF Park	District	Embellishment	\$250,000.00				\$96.48		\$96.48
West (South)	South West Residential Release Area New Open Space	District	Acquisition/Embellishment	\$2,700,000.00		\$1,244.61				
West (North)	North West Residential Release Area New Open Space	District	Acquisition/Embellishment	\$500,000.00	\$553.16					
East (South)	South East Residential Release Area New Open Space	District	Acquisition/Embellishment	\$1,300,000.00						\$599.26
West (South)	Delroy North	Local	Embellishment	\$153,000.00		\$70.53				
East (South)	Holmwood Estate/Margaret Crescent Easement	Local	Embellishment	\$450,000.00						\$191.48
East (South)	Keswick Estate Activity Zones	District	Embellishment	\$356,940.00				\$137.75		\$137.75
West (North)	Wiradjuri Park	District	Embellishment	\$650,000.00	\$719.11					
Central (South)	Regand Park	District	Embellishment	\$100,000.00				\$414.87		
Central (South)	Former Market Garden Sports Fields	District	Embellishment	\$350,000.00				\$135.07		\$135.07
<b>Total Planning Unit Contribution</b>				<b>\$6,756,340.00</b>	<b>\$1,272.26</b>	<b>\$1,315.13</b>	<b>\$1,096.36</b>	<b>\$784.17</b>	<b>\$1,096.36</b>	<b>\$1,160.03</b>
<b>Total Open Space Contribution</b>				<b>\$10,086,340.00</b>	<b>\$1,848.67</b>	<b>\$1,891.54</b>	<b>\$1,672.77</b>	<b>\$1,360.58</b>	<b>\$1,672.77</b>	<b>\$1,736.44</b>

Appendix 2 – Urban Contribution Area

