



# MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

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# Mid-Western Regional Contributions Plan 2019

Prepared for

Mid-Western Regional Council



By



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Appendix A	Infrastructure schedule and location maps
Appendix B	Examples of how to calculate contributions and levies

## 1. What is this plan about?

The Mid-Western Regional Local Government Area (LGA) is located in the Central West region of NSW, approximately 250 km or 3-4 hours' drive from the heart of Sydney. The whole of the former Mudgee and the majority of the former Rylstone (70%) and part of Merriwa Councils (10%) were amalgamated into the Mid-Western Regional LGA in 2004. With a population of almost 25,000 residents, it forms one of regional NSW's fastest growing areas.<sup>1</sup>

Mudgee is the commercial and tourism centre of the LGA, complemented by the smaller towns of Rylstone, Kandos and Gulgong, 14 villages and other rural localities.

With growth largely concentrated in and around Mudgee, the population of the Mid-Western Regional LGA is anticipated to grow by 2,000 residents over the next 10 years. Employment growth is also anticipated amongst the LGA's strong economic generation areas of agriculture, viticulture, mining, tourism, and retail services.<sup>2</sup>

The additional population and employment growth will generate new demand for a range of local infrastructure that the Mid-Western Regional Council provides, including roads and shared paths, parks and recreation facilities, and community facilities.

Contributions of land, works and money from the developers of land throughout the LGA will be a key source of funding for the new and upgraded infrastructure.

Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals. Councils and accredited certifiers may only impose a contribution if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

**This plan's main purpose is to authorise the Council or an accredited certifier to impose conditions on development consents or complying development certificates (CDCs) requiring section 7.11 contributions or section 7.12 fixed rate levies from development in accordance with the rates in the plan.**

The contributions and levies are summarised in **Table 1**.

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<sup>1</sup> Mid-Western Regional Council, *2018 Economic and Business Profile for the Mid-Western Region* (2018 Economic Profile), June 2018.

<sup>2</sup> 2018 Economic Profile.

**Table 1 Contributions or levies to be applied to development**

Development type	Catchment	Type of contribution or levy	Amount of contribution or levy			
Residential development	'Mudgee' catchment	s7.11	\$3,411 per resident*	\$5,118 per secondary dwelling or self-contained seniors dwelling	\$5,118 per studio or 1 bedroom dwelling	\$8,529 per separate lot; per 2 or more bedroom dwelling
Residential development	'Outside Mudgee' catchment	s7.11	\$1,977 per resident*	\$2,965 per secondary dwelling or self-contained seniors dwelling	\$2,965 per studio or 1 bedroom dwelling	\$4,940 per separate lot; per 2 or more bedroom dwelling
Extractive industry development	LGA	s7.11	\$0.66 per tonne of resource removed from the site per quarter by road transport.			
Other forms of development	LGA	s7.12	Where the proposed development cost exceeds \$100,000 but is less than or equal to \$200,000, the levy equals 0.5% of that cost  Where the development cost exceeds \$200,000, the levy equals 1% of that cost (developments which are proposed to cost less than \$100,000 are not levied).			

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.

Notes:

CPI adjustments apply to section 7.11 contribution rates from the base date of this plan (see **Section 6.3.1**) and development costs for which section 7.12 levy percentages are applied (see **Section 6.3.2**).

Development exempt from contributions is in **Section 2.7** and includes residential development on existing lots which have been previously subdivided.

Development which is a mix of residential and other forms of development is subject to either a section 7.11 contribution or section 7.12 levy depending on which development type represents the majority share of the gross floor area (**GFA**) (see **Section 2.6.1**).

The contributions that are made by developers under this plan over the next 10 years will be applied by Council to deliver the schedule of local infrastructure works listed in **Appendix A**.

A key requirement of the plan is to show that there is a reasonable nexus or need for the infrastructure arising from the new development and funded from section 7.11 contributions, and that the contribution rates to be levied on developers fairly reflect that nexus.

This plan applies to both:

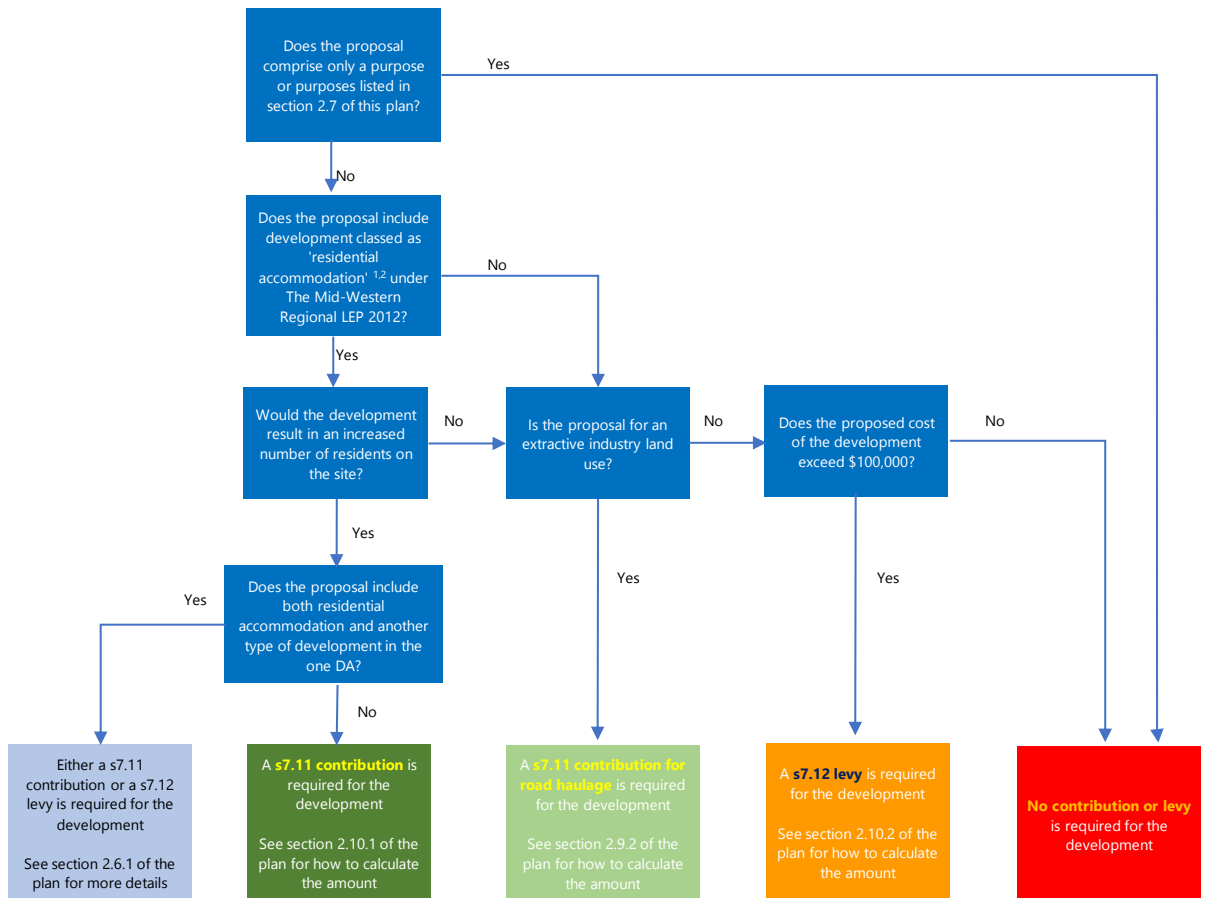
- residential development throughout the LGA; and
- non-residential development in the LGA.

**Figure 1** provides an overview of the different contributions applicable for various types of development under the plan.

Consistent with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**), this plan has been prepared having regard to the latest practice notes issued by the NSW Department of Planning and Environment. It includes the following:

- a schedule of contribution rates for various types of development.
- information on the relationship between the expected future development and the demand for local infrastructure, including how the nexus-based section 7.11 contribution rates were calculated.
- the Council's policies on how and when developers can settle their developer contributions obligations, including opportunities for developers to dedicate infrastructure land and provide works in kind.
- specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- provisions to ensure the fair and transparent administration of development contributions received under this plan.

**Figure 1 Overview of contributions rates applicable under this plan**



<sup>1</sup> Development includes the subdivision of land

<sup>2</sup> Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks



## **2. Plan summary**

### **2.1 How to use this plan**

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below.

#### **Section 2 – Plan summary**

This section identifies both the land and developments that this plan applies to, as well as the contribution rates that apply to these developments. Most users of the plan will only need to look at this section.

#### **Section 3 – How are the contributions rates calculated?**

This section explains how the development contributions are calculated. The expected development is described, as well as the basis for determining the list of local infrastructure works that will be required to meet that development. It also provides the formulas and approach for how the contribution rates have been calculated.

#### **Section 4 – How and when will contributions or levies be imposed on development?**

This section explains how conditions of consent will be used to require contributions and levies, and the ways in which contribution rates and amounts will be adjusted over time to reflect changes in infrastructure costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and CDCs.

#### **Section 5 – How and when a contribution requirement can be settled?**

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan, such as through the use of works in kind agreements, bank guarantees, VPAs or deferred payments.

#### **Section 6 – Other administration matters**

This section outlines other administrative arrangements applying to the operation of this plan.

### **Appendices**

The appendices include a schedule and location maps of the local infrastructure that is to be delivered under the plan and worked examples of how to calculate the contributions and levies for different types of development.

## 2.2 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in the *Mid-Western Regional Local Environmental Plan 2012*, or the EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

**Adaptive reuse** means a change from a disused or ineffective item into a new item that can be used for a different purpose. The adaptive reuse of a historic building or site should have minimal impact on the heritage significance of the building or site.

**CDC** means complying development certificate.

**Consent authority** has the same meaning as in section 4.5 of the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

**Council** means Mid-Western Regional Council.

**EP&A Act** means the NSW Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the NSW Environmental Planning and Assessment Regulation 2000.

**IPART** means Independent Pricing and Regulatory Tribunal.

**LGA** means local government area.

**Local infrastructure** means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

**Studio** means a building that is permitted and adapted to be used for separate occupancy which includes a bedroom, bathroom, laundry and kitchen facilities.

## 2.3 Name and commencement of plan

This plan is called the Mid-Western Regional Contributions Plan 2019.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

## 2.4 What are the purposes of this plan?

The main purpose of this plan is to authorise:

- the consent authority, when granting consent to an application to carry out development to which this plan applies; or
- the Council or an accredited certifier, when issuing a CDC for development to which this plan applies,

- to require either a contribution (under section 7.11 of the EP&A Act) or a fixed development levy (under section 7.12 of the EP&A Act) to be made towards the provision, extension or augmentation of local infrastructure required as a consequence of development in the Mid-Western Regional LGA. The contribution or levy may also be applied towards existing local infrastructure that was provided in anticipation of, or to facilitate, such development.

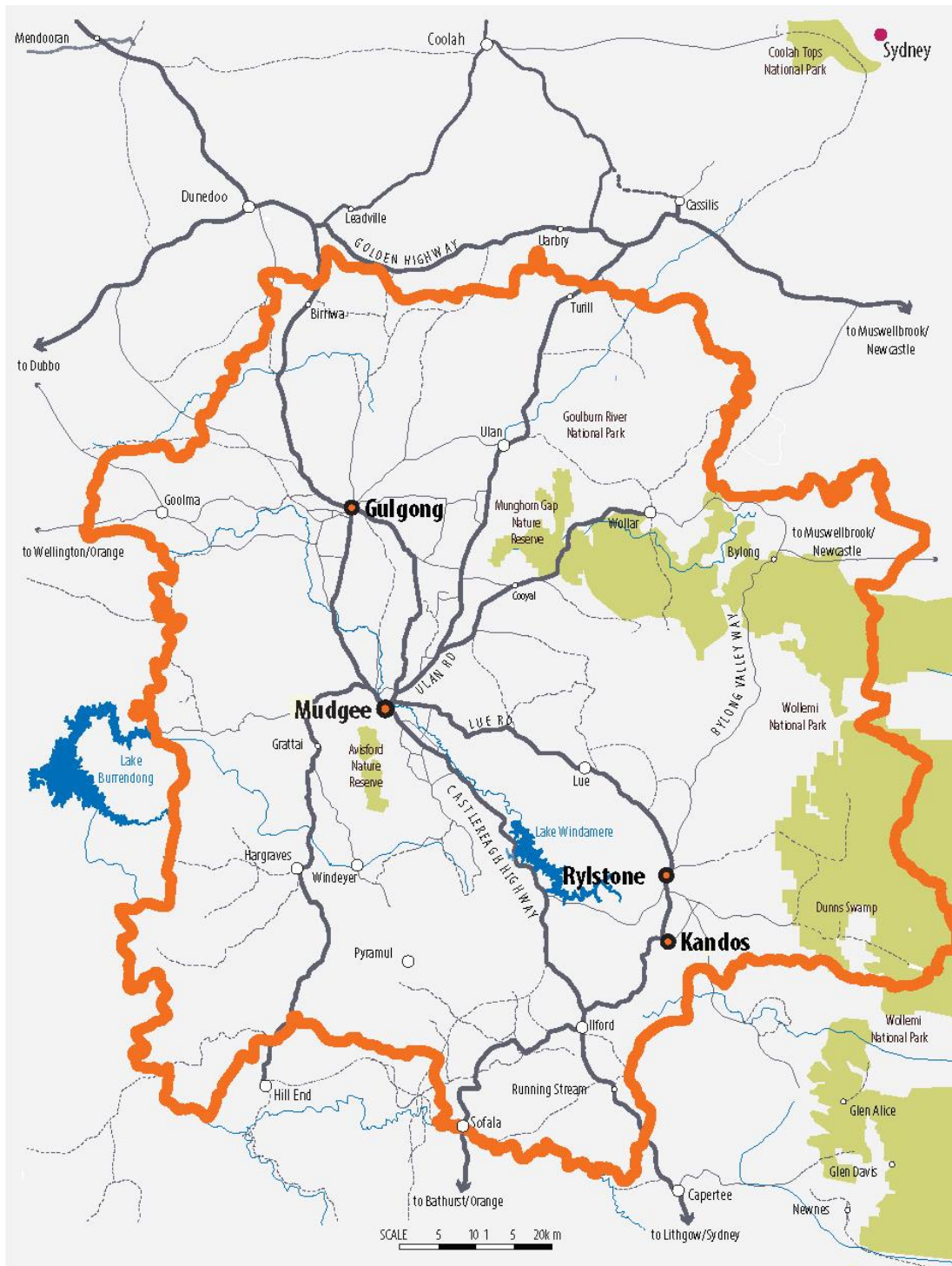
Other purposes of this plan are as follows:

- To provide the framework for the efficient and equitable determination, collection and management of development contributions in the Mid-Western Regional LGA.
- To establish the relationship between the expected development and proposed local infrastructure to demonstrate that the section 7.11 contributions required under this plan are reasonable.
- To allow the opportunity for local infrastructure to be provided by land developers as works in kind in lieu of paying a monetary contribution.
- To allow the opportunity for the dedication of land by land owners at no cost to Council in lieu of a monetary contribution.
- To ensure that the broader Mid-Western Regional community is not unreasonably burdened by the provision of local infrastructure that is required as a result of development in the Mid-Western Regional LGA.

## **2.5 What land and development does this plan apply to?**

This plan applies to all land within the Mid-Western Regional LGA, as shown on the map in **Figure 2**.

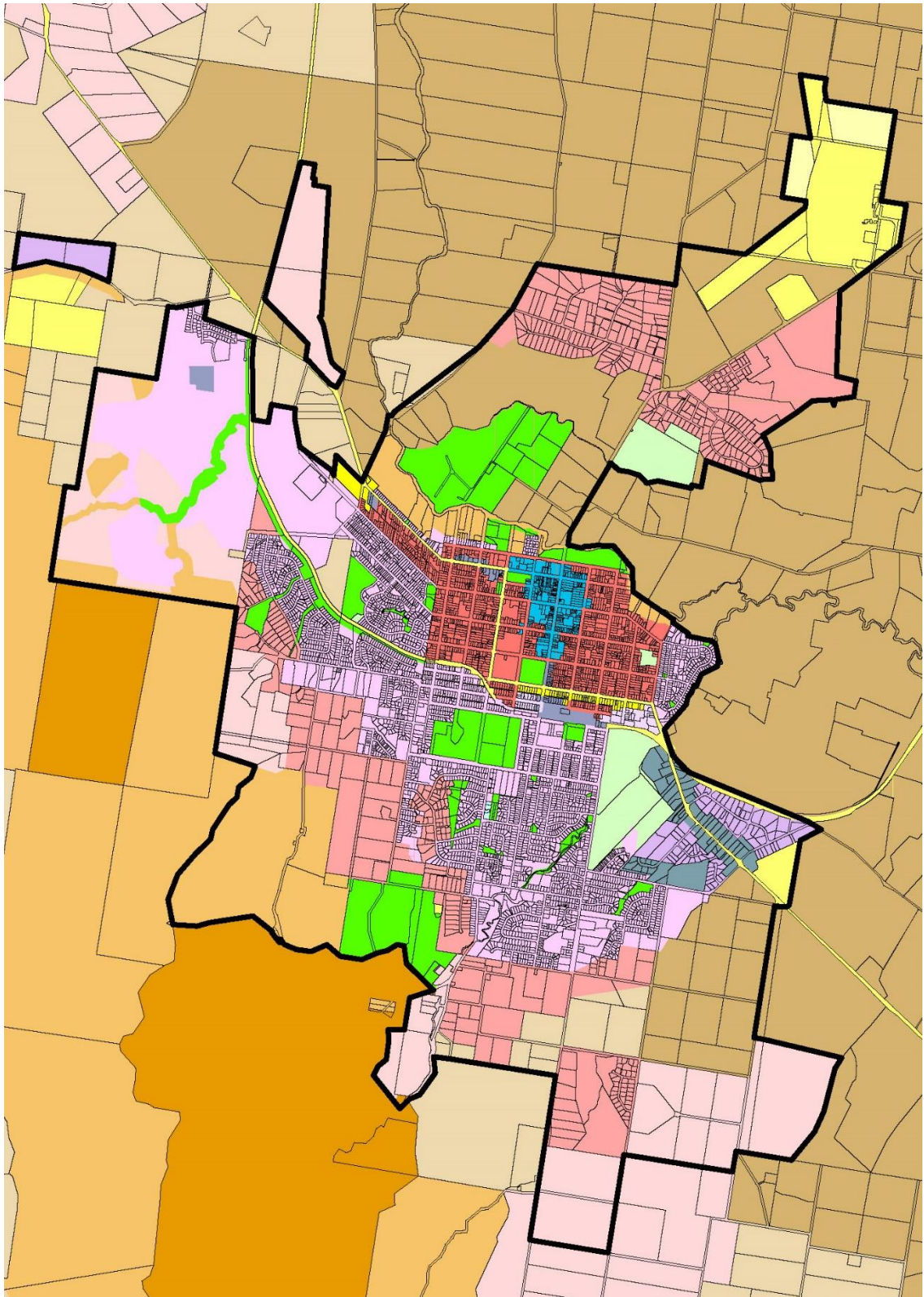
**Figure 2 Mid-Western Regional LGA boundary**



**Source:** Mid-Western Regional Council, *2018 Economic and Business Profile for the Mid-Western Region*, June 2018, p 3.

Separate contribution rates apply to land within two separate catchments within the LGA – ‘Mudgee’ and ‘Outside Mudgee’. **Figure 3** shows the boundary for areas within the ‘Mudgee’ catchment, with all other areas of the LGA representing the ‘outside Mudgee’ catchment.

**Figure 3** Mid-Western Regional LGA – 'Mudgee' catchment



## 2.6 What development does this plan apply to?

Subject to **Section 2.7**, this plan applies to:

- (a) The following Residential Accommodation developments that would result in a net increase in residents<sup>3</sup> on the land:
  - (i) Residential subdivision creating additional dwelling house lots;
  - (ii) Residential flat buildings, dual occupancies, multi dwelling housing, semi-detached dwellings, attached dwellings, rural workers dwellings, shop top housing;
  - (iii) Secondary dwellings;
  - (iv) Boarding houses, group homes, hostels; and
  - (v) Seniors living housing that comprises self-care housing only.
- (b) Extractive industry developments (e.g. mine or quarry sites).
- (c) Developments other than type (a) or (b) developments that have a proposed cost of more than \$100,000.

Type (a) and (b) developments will be subject to condition requiring a contribution imposed under section 7.11 of the EP&A Act. Refer to **Sections 2.9.1** and **2.9.2** for the contribution rates that apply for Type (a) and (b) developments respectively.

Type (c) developments will be subject to a condition requiring the payment of a levy under section 7.12 of the EP&A Act. Refer to **Section 2.9.3** for the levy rates that apply.

Where a single development application comprises a mix of type (a) and (c) developments, either a section 7.11 contribution or a section 7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application.

**Table 2** shows common development types and the types of contributions that apply to those developments under this plan. For the sake of clarity, 'All other development', refers to any other types of developments permitted with consent under the Mid-Western Regional Local Environmental Plan 2012.

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<sup>3</sup> Net increase in residents is determined by applying the assumed occupancy rates shown in **Section 2.10.1 (Table 7)** to both the existing and proposed development.

**Table 2 Common development types and the contribution types that apply**

Development	Contribution type that applies
<b>Residential</b>	
Residential subdivision	Section 7.11 contribution, see Tables 3, 4
Apartments, shop top housing	Section 7.11 contribution, see Tables 3, 4
Dual occupancies, multi dwelling housing	Section 7.11 contribution, see Tables 3, 4
Secondary dwellings	Section 7.11 contribution, see Tables 3, 4
Boarding houses, group homes, hostels	Section 7.11 contribution, see Tables 3, 4
Seniors living housing (self-care housing)	Section 7.11 contribution, see Tables 3, 4
Seniors living housing (integrated facilities and residential care facilities)	Section 7.11 contribution, see Tables 3, 4
<b>All other development</b>	
Industrial and commercial development	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Retail shops, business premises, commercial premises, offices, etc.	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Educational establishments	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Tourist and visitor accommodation	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Change from one non-residential use to another with or without fitout	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Mixed use development where the development would result in a net increase in dwellings	Section 7.11 contribution or section 7.12 levy <sup>(3)</sup>
Extractive industry developments (e.g. mine or quarry sites)	Road haulage section 7.11 contribution, see Section 2.9.2. Council may negotiate a voluntary planning agreement for the developer to provide contributions that satisfactorily address the impacts of the development.

(1) Development with a cost exceeding \$100,000 only.

(2) Only required where development involves an enlargement, expansion or intensification of a current use of land, as required under 25J(3)(g) of the EP&A Regulation.

(3) The contribution type used will be the type that yields the highest contribution amount, refer to the section below for details.

Refer to **Section 2.9** of this plan for the rates that apply to different development types.

### 2.6.1 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 application comprises a mix of type (a) and (c) developments, the component that represents the majority share of the gross floor area (**GFA**) of the proposed development shall inform which contribution method applies.

**Example:** If a development is 'shop top housing' and comprises 1,000m<sup>2</sup> of residential GFA and 300m<sup>2</sup> of retail premises GFA, then a section 7.11 contribution would be imposed on that development. The contribution would be based on the type (a) component, being the residential floor space.

In the case where the majority of the total GFA is a type (c) development, the section 7.12 levy shall be based on the proposed cost of the entire development including the type (a) component.

**Example:** A proposed development comprises a shop with a GFA of 250m<sup>2</sup> and a dwelling with a GFA of 200m<sup>2</sup>. In this case the type (c) component comprises the majority of the total GFA in the development, and a section 7.12 levy based on the proposed cost of the entire development would be imposed.

Refer to **Section 2.9** of this plan for the rates that apply to the different development types.

## 2.7 What development is exempt?

This plan DOES NOT apply to the following types of developments:

- Dwelling houses on lots created in an earlier subdivision, whether that earlier subdivision was subject to a s94 / s7.11 contribution or not.
- Any residential development that does not result in an increase in demand for local infrastructure (e.g. replacement dwelling houses).
- Any work or a change from one use to another that does not result in any increase in GFA on the land.
- Development exempted from section 7.11 contributions or section 7.12 levies by a direction made by the Minister for Planning under section 7.17 of the EP&A Act.<sup>4</sup>
- Development for the purpose of the adaptive re-use of an item of environmental heritage.
- Housing proposed by a social housing provider or affordable housing as defined and carried out under *the State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- Development for the purposes of any form of seniors housing defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* that is provided by a social housing provider.
- Public infrastructure to be carried out by or on behalf of any public authority including Council.

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<sup>4</sup> or the corresponding sections 94 and 94A of the EP&A Act that existed immediately before the commencement of the *Environmental Planning and Assessment Amendment Act 2017*.



## 2.8 What local infrastructure will be provided under this plan?

The local infrastructure to be provided by contributions from developers received under this plan is listed below:

- Transport works such as sealed rural and urban roads, pedestrian access facilities and a footbridge;
- Recreation and open space facilities, including Glen Willow Regional Sports Complex Stage 2, walkways, park field lighting, a water park, pool cover, adventure playground, other playground work, public toilets and lane lighting;
- Community facilities including a regional art gallery, showground facilities, public artwork, preschool and library resources; and
- New drainage works.

The infrastructure has either been provided or is expected to be provided over the next 10 years. The costs of administering this plan over this period will also be met by contributions imposed under this plan.

A summary of the costs of local infrastructure to be met by development is shown in **Table 3**.

Some of the infrastructure has a nexus only with residential development in either the 'Mudgee' or 'Outside Mudgee' local catchments; other items have nexus in both catchments. These latter infrastructure items, and the contributions for same, are called LGA-wide infrastructure.

More details on the demand for local infrastructure, the relationship of the local infrastructure with the expected development, and specific facilities to be provided are included in **Part 3** and **Appendix A** of this plan.

**Table 3 Summary of infrastructure costs**

Local infrastructure works	Total cost of works	Anticipated funding towards works costs from s7.11 contributions under this plan			Total costs funded from s7.11 contr'ns under this plan <sup>a</sup>	Anticipated funding from s7.12 levies under this plan <sup>b</sup>
		Mudgee - local	Outside Mudgee – local	LGA-wide		
Transport facilities	\$26,310,000	\$1,179,510	\$90,364	\$1,627,135	\$2,897,008	
Recreation and open space	\$17,020,000	\$737,367	\$66,697	\$592,838	\$1,396,902	
Community facilities	\$6,690,000	\$28,252	\$12,909	\$458,610	\$499,771	
Stormwater management	\$2,500,000	\$235,430	-	-	\$235,430	
Plan administration	\$787,800	-	-	\$787,800	\$787,800	
<b>Total</b>	<b>\$53,307,800</b>	<b>\$2,180,559</b>	<b>\$169,970</b>	<b>\$3,466,383</b>	<b>\$5,816,911</b>	<b>\$500,000+</b>

a. This is the anticipated total amount expected from section 7.11 contributions levied on residential development under the plan.

b. Additional monies from section 7.12 levies on non-residential development will increase the overall pool of development contributions (and will fund some of the balance of infrastructure costs that are not met by section 7.11 contributions).

## 2.9 What are the contribution rates required for local infrastructure?

### 2.9.1 Residential development subject to a section 7.11 contribution

**Tables 4 and 5** contain the section 7.11 contribution rates for residential developments under this plan.

The plan levies residential development contributions in two separate catchments:

1. 'Mudgee'; and
2. 'Outside Mudgee', which applies to all areas in the remainder of the Mid-Western Regional LGA (**Figure 2**).

The rates shown in the tables below incorporate the contributions for both local and LGA-wide infrastructure.

**Table 4 Section 7.11 contribution rates - Mudgee**

	Per resident*	Per secondary dwelling or seniors	Per studio or 1 bed dwelling	Per 2 or more bed dwelling / separate house
Transport facilities	\$1,721	\$2,582	\$2,582	\$4,303
Recreation and open space	\$864	\$1,296	\$1,296	\$2,160
Community facilities	\$251	\$377	\$377	\$628
Stormwater management	\$181	\$272	\$272	\$453
Plan administration	\$394	\$591	\$591	\$985
<b>Total</b>	<b>\$3,411</b>	<b>\$5,118</b>	<b>\$5,118</b>	<b>\$8,529</b>

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.  
 Note: CPI adjustments apply to section 7.11 contribution rates (**Tables 4 and 5**) from the base date of this plan (see **Section 6.3.1**). Development exempt from contributions is in **Section 2.7** and includes residential development on existing lots which have been previously subdivided.

**Table 5 Section 7.11 contribution rates – outside Mudgee**

	Per resident*	Per secondary dwelling or seniors	Per studio or 1 bed dwelling	Per 2 or more bed dwelling / separate house
Transport facilities	\$943	\$1,414	\$1,414	\$2,357
Recreation and open space	\$392	\$588	\$588	\$979
Community facilities	\$248	\$372	\$372	\$619
Stormwater management	-	-	-	-
Plan administration	\$394	\$591	\$591	\$985
<b>Total</b>	<b>\$1,977</b>	<b>\$2,965</b>	<b>\$2,965</b>	<b>\$4,940</b>

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.

### 2.9.2 Non-residential development subject to a section 7.11 haulage contribution

The plan also levies quarterly contributions under section 7.11 on extractive industries for road maintenance and rehabilitation costs. It is accepted practice to levy development contributions based directly upon the number and weight of laden truck movements, which contribute to the damage to road surfaces and the need to upgrade roads.

The monthly contribution rate is:

- **\$0.66 per tonne of resource removed from the site per quarter by road transport.**

The contribution rate assumes an average distance of **14.7 km** travelled by the laden truck on the local road network for a typical trip. Council may at its discretion use a different travel distance for the purpose of calculating contributions based on this formula where there is sufficient evidence provided by the operator or otherwise available that shows that the average distance for its heavy vehicle trips is significantly different.

This plan also does not preclude the negotiation of a Voluntary Planning Agreement between Council and the developer concerning a proposal for a mine or quarry development, to ensure contributions are provided to mitigate its impact. See **Section 3.2.4** about the haulage contributions for more details.

### 2.9.3 Developments subject to a section 7.12 fixed development consent levy

**Table 6** contains the rates for developments that are subject to a section 7.12 fixed development consent levy under this plan. The fixed rate levies apply to development not addressed in **Section 2.9.1** or **2.9.2** throughout the LGA (within and outside the Mudgee catchment).

**Table 6 Section 7.12 levy rates**

Development type	Levy rate
Development that has a proposed cost of carrying out the development:	
• up to and including \$100,000	Nil
• more than \$100,000 and up to and including \$200,000	0.5% of that cost
• more than \$200,000	1.0% of that cost

## 2.10 Calculating a contribution under this plan

### 2.10.1 Calculating a section 7.11 contribution for residential development

The contribution that applies to residential development is calculated using the rates shown in **Tables 4 or 5**, **less any allowances for assumed infrastructure demand arising from existing developments, if applicable** (refer to **Table 7** below).

The occupancy rates included in **Table 7** reflect the estimate of future infrastructure demand for the proposed residential development as well as the estimate of existing demand allowances (or credits) for existing development.

For the sake of clarity, an existing vacant allotment which could, under the Mid-Western Regional Local Environmental Plan 2012, be approved and developed for a dwelling is deemed to have a demand credit equivalent to that pertaining to a single dwelling house – i.e. 2.5 persons.

Examples of how to calculate a section 7.11 contribution are in **Appendix B**.

**Table 7 Assumed occupancy rates for calculating contributions and demand credits**

Development type	Assumed occupancy rate
<b>Residential accommodation</b>	
Dwelling houses with 2 or more bedrooms, or vacant allotments that have a dwelling entitlement	2.5 persons per dwelling / lot
Secondary dwellings, studio and 1-bedroom dwellings, or seniors living independent living unit dwellings	1.5 persons per dwelling
Boarding houses, group homes and hostels	1 person per bed

### 2.10.2 Calculating a section 7.12 fixed development consent levy

The total levy amount that is imposed on any individual development is calculated by multiplying the applicable contribution rate in **Table 6** by the proposed cost of the development. **Section 4.3** provides more details about how to determine the cost of development.

There is no allowance for assumed existing infrastructure demand in the calculation of any section 7.12 levy.

Examples of how to calculate a section 7.12 levy amount are in **Appendix B**.

### **3. How are the contribution rates calculated?**

This section principally applies to contributions authorised by this plan to be imposed on developments under section 7.11 of the EP&A Act.

There are particular requirements for section 7.11 contributions as distinct from section 7.12 levies, including the following:

- Contributions can only be imposed if the consent authority considers that the development 'will or is likely to require the provision of or increase the demand for public amenities and public services within the area' (s7.11(1)).
- Contributions toward recoupment of facilities can only be imposed if the facilities were provided in preparation for or to facilitate the carrying out of development in the area and the development will benefit from the provision of those public amenities or public services (s7.11(3)).
- Contributions that are imposed must be reasonable (s7.11(2) and (4)), and that a developer may appeal to the Land and Environment Court on the grounds that contributions imposed on a development are unreasonable in the particular circumstances of the case (s7.13(3)).

These requirements mean that any contributions plan that authorises section 7.11 contributions should show that the contribution rates are reasonable by explaining the relationship between the anticipated developments and the infrastructure included in the plan that is needed to meet the demands of those developments.

So that the contributions that are imposed are reasonable, the section 7.11 contribution rates in this plan have been calculated having regard to the principles of nexus and fair cost apportionment. This has included consideration of:

- accounting for grants or other income likely to be available to provide the facilities included in this plan.
- whether infrastructure serves one or more geographic areas, and the degree to which development in different areas generate demands.
- whether the infrastructure serves existing or new populations or both, and the degree to which these populations generate demands.

This section explains the expected development in the Mid-Western Regional LGA, the infrastructure necessary to support this development, and the way in which the section 7.11 contribution rates have been calculated.

#### **3.1 Expected demand for local infrastructure**

##### **3.1.1 Area context**

The Mid-Western Region is located 250 km from Sydney in the Central West of NSW. The area covers over 8,700 km<sup>2</sup> and has a population of almost 25,000. The region stretches from the Wollemi National Park in the east to Lake Burrendong in the west and from the Goulburn National Park in the north to the Macquarie and Turon Rivers in the south. It includes the towns of Gulgong,

Kandos, Mudgee and Rylstone in addition to the rural villages of Birriwa, Bylong, Charbon, Clandulla, Goolma, Hargraves, Ilford, Lue, Pyramul, Ulan, Windeyer and Wollar.<sup>5</sup>

The Mid-Western Regional economic base is diverse and strong and offers many opportunities for employment growth. The region is well known for significant agricultural, mining operations and wineries growth which is envisaged for many years to come. Tourism in the region is also prominent with more than 500,000 visitors each year. Construction and retail industries are also important economic generators for the LGA.<sup>6</sup>

Other significant regional centres are relatively close by. The region is located close to Orange, Bathurst and Lithgow to the south, Wellington and Dubbo to the west and Muswellbrook and Scone to the east. Travel times from Mudgee to these other towns are in the order of one to two hours.<sup>7</sup>

### 3.1.2 Recent development and population characteristics

Over the past 5 years (2011 to 2016), the number of dwellings has increased by almost 900 (or 10%) in the Mid-Western Region (**Table 8**).

Detached low density housing makes up most of the housing stock (90%). Medium density and high density housing made up just 4% and 3% of the stock respectively in 2016, which are much lower proportions than for NSW overall (where it is around 12% and 20% respectively).

The dwelling composition is likely to be sustained over the life of the plan given the strong demand for low density living in Mudgee and surrounding areas.

**Table 8 Dwelling Structure Comparison 2011 - 2016**

Dwelling type	2011		2016		Change 2011 to 2016
	Number	%	Number	%	
Separate house	8,003	90%	8,863	90%	+860
Medium density	344	4%	390	4%	+46
High density	337	4%	264	3%	-73
Caravans, cabin, houseboat	187	2%	149	2%	-38
Other	54	1%	47	0%	-7
Not stated	4	0%	108	1%	+104
<b>Total Private Dwellings</b>	<b>8,928</b>		<b>9,825</b>		<b>+897</b>

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016.

<sup>5</sup> 2018 Economic Profile.

<sup>6</sup> 2018 Economic Profile.

<sup>7</sup> Mid-Western Regional Council, *Glen Willow Master Plan*, 8 January 2016, p 10.

The average household size in the Mid-Western Regional LGA was 2.4 in 2016.<sup>8</sup> This has informed the assumed occupancy rates in the plan (**Table 7**), including 2.5 for low density dwellings.

The population for the LGA was estimated to be 24,815 in 2017, following average annual growth of 1.2% over the past 10 years.<sup>9</sup> Much of this growth has been concentrated in and around Mudgee on account of new mining activity, and to a lesser extent, Gulgong. Since 1991, Mudgee has attracted 83% of the LGA's new residents while Gulgong's share was 15%.<sup>10</sup>

In 2016, the forecast population was 11,728 for the Mudgee catchment (SA2) which is published by the Australian Bureau of Statistics (ABS), but this is a different catchment than the Mudgee catchment in this plan. The assumed population in the catchment for Mudgee, which includes other villages and townships outside the Mudgee town centre, is 12,500 in 2017. The assumed population in the residual areas is 12,315.

### 3.1.3 Expected population growth

**Table 9** below summarises the current (as at 2017) and projected resident population for the Mid-Western Regional LGA used in the calculation of contribution rates in this plan. The plan is assumed to span 10 years from its commencement to 2029.

Across the LGA, 2,000 more residents are expected over the next 10 years (from 2017). Most growth is forecast to be concentrated in the Mudgee region (10% or an average of 0.9% per annum) with more marginal growth expected in the remainder of the LGA (6% or an average of 0.5% per annum).

Council has referred to population forecasts by HillPDA Consulting in 2014 for the LGA which assumed average annual growth of 0.8% for Mudgee and 0.4% for other areas. HillPDA Consulting acknowledged that the forecasts were relatively conservative because they did not account for the level of anticipated mining activity in the region.<sup>11</sup>

Council's forecasts in **Table 9** have assumed higher growth rates to account for these impacts, in addition to the stronger population trends evident in the LGA over the past 10 years.

**Table 9 LGA population forecast, 2017 - 2029**

Suburb	2017	2029	Change	
	Number	Number	Number	%
Mudgee	12,500	13,800	+1,300	10%
Outside Mudgee	12,315	13,015	+700	6%
<b>Mid-Western Regional LGA</b>	<b>24,815</b>	<b>26,815</b>	<b>+2,000</b>	<b>8%</b>

**Source:** ABS Quickstats have informed the 2017 population figures for the Mid-Western LGA. The 2017 populations in each catchment are assumed by Council based on the catchment boundaries. Council has forecast growth with reference to the HillPDA Mudgee and Gulgong URS.

<sup>8</sup> ABS, 2016 Census Quickstats, Mid-Western Regional LGA.

<sup>9</sup> 2018 Economic Profile and ABS, 2016 Census Quickstats.

<sup>10</sup> HillPDA, Mudgee and Gulgong URS, p 113.

<sup>11</sup> HillPDA Mudgee and Gulgong URS, p 29.



### 3.1.4 Value of non-residential development

**Table 10** shows the value of non-residential development approved in the LGA over the past five years. This indicates how the value of non-residential building approvals tends to be quite volatile from year to year. The annual approved value of building work peaked in 2016/17 at \$13.32 million and has averaged \$6.63 million per annum over this five-year period.

**Table 10 Value of non-residential building, 2013/14-2017/18**

	2013/14	2014/15	2015/16	2016/17	2017/18	5-year annual average
<b>Mid-Western Regional LGA</b>	\$5.37m	\$8.76m	\$4.65m	\$13.32m	\$1.08m	<b>\$6.63m</b>

Source: ABS, Building Approvals, Cat No. 8731.0, Australia, June 2018.

This growth in non-residential development is expected to continue over the life of this plan and will contribute to the demand for improved civic amenity and parking facilities in the town centres, in particular, as well as other traffic and drainage infrastructure.

## 3.2 Infrastructure schedule and nexus

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on open space and recreation, traffic management and community facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand in the relevant catchment (e.g. 'Mudgee', 'Outside Mudgee' or 'LGA-wide'), as represented by the estimated total population in the catchment at the end of the plan period. This reflects how the existing community will share the demand for the capital works with the new population.

### 3.2.1 Facility studies

Council completed two key infrastructure studies in recent years which have informed the need for many of the infrastructure items included in the works schedule to this plan:

- *Mudgee Township - Traffic Management Study 2014 – Final Report*, February 2015, prepared by Gennaoui Consulting Pty Ltd for Mid-Western Regional Council. The objective of the study was to prepare an effective Traffic Management Plan for the township of Mudgee, which in turn informed other Council plans, including the development contributions plans.
- Mid-Western Regional Council, *Recreation Strategy 2013*, 25 July 2013. This study aimed to reinforce the direction provided in the former 2005 Strategy and continue to offer direction to Council and the community on the planning and development of recreation opportunities and facilities over the next 10-15 years.

Council plans to undertake another traffic management study to inform the traffic network needs of Mudgee and the broader LGA and has included the costs of this work in the plan. The outcomes from this study will inform infrastructure planning for the next 15 years, including the parking amenity needs in the Mudgee CBD.

Council has used its *Glen Willow Master Plan*, 8 January 2016, to guide planning for further development at the Glen Willow Regional Sports Complex.

Council has also relied upon its *Delivery Program 2017/21 & Operational Plan 2017/18*, 21 June 2017 (Delivery Program 2017/21) to determine the capital works needs for its growing community. The program of works for this plan largely correspond to those planned infrastructure works for traffic management, open space, recreation and community facilities, where new and existing development contributes to the demand for the facilities.

### **3.2.2 Open space and recreation facilities**

#### **Objectives**

One of key themes for Council in the Community Strategic Plan is to 'look after our community' through the effective and efficient delivery of infrastructure.<sup>12</sup>

As part of this theme, Council's objective is to provide a range of open space and recreation facilities that will meet the demand of future residents, aligned with Council's broader strategy for facility provision for the existing community across the LGA.

#### **Needs assessment and infrastructure strategy**

The Mid-Western community currently enjoys a range of open space and recreation facilities.

The LGA has altogether 126.6 hectares of open space, consisting of 73.5 hectares of local and district parkland, 31.4 hectares of regional parks, and 21.7 hectares of local and regional sports facilities.<sup>13</sup> The land area is generally considered adequate to serve the needs of the population over the short to medium term.

Glen Willow is a key regional sporting facility in Mudgee, and there are also a number of other facilities owned and/or managed by Council across the LGA. Jubilee Oval, a single field, is the other regional facility, also located in Mudgee. All other facilities within the region are considered local sports grounds and are suitable for local activities within the town in which they are located.

Most Council facilities are set up to be multi-purpose, allowing the fields to be used for more than one sport. Whilst this is functionally good, it can also restrict usage of the facilities without significant re-marking and changeover of posts or goals, etc.

A number of schools within the region have sporting facilities that are primarily for school use. Some facilities in the public schools are made available to the public for use out of hours. These facilities are considered to be local level only.

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<sup>12</sup> Delivery Program 2017/21, p 9.

<sup>13</sup> Recreation Strategy 2013, 25 July 2013, p 21.

There are a number of other facilities for sporting groups that are within the region, such as swimming pools and tennis courts. Sporting groups will also gain either a direct or indirect benefit from the Glen Willow facility.

The Recreation Strategy 2013 drew on the results of the community survey undertaken by Micromex Research (in August 2012) to determine community preferences and demands for open space and recreational facilities. All open space and recreation facilities in the LGA are considered to be well-utilised. The Strategy identified a number of 'high priorities' for future provision based on strategic importance, identified facility gaps and/or the level of the community demand expressed:

- Walking/running/cycling – the continued development of shared pathways is required to provide valuable, alternative and safe opportunities for these highly popular activities. In addition, pathways provide access and transportation for both young people (taking local trips and/or travelling to facilities) and tourists/visitors (e.g. in visiting wineries close to towns or cycling around or between towns or wineries);
- Swimming – upgrades to the three swimming pools are needed to stimulate further use and provision of year-round access to a swimming pool;
- Additional fields and associated facilities and amenities – to cater for sports such as AFL, softball and hockey;
- Playgrounds – both the upgrade of selected children's play equipment facilities and new facilities are needed;
- Recreation opportunities in natural areas, particularly close to Mudgee – the need to promote these opportunities and support non-traditional uses such as mountain biking; and
- Glen Willow – continued staging and development as a regional multi-purpose facility, ultimately catering for softball, hockey and cricket.

The Strategy recommended that developer contributions (via Council's contributions plan(s)) should be directed towards the provision of equipment or facility works rather than land provision. Only capital works are funded under this plan.

The works program provides a combination of renewal and new active and passive recreation facilities, generally consistent with the priorities in Council's Recreation Strategy, which has guided the planning and development of facilities over the next 10-15 years.

The works include:

- Glen Willow Regional Sports Complex Stage 2;
- Putta Bucca eco trail;
- Shared pathways;
- Mudgee water park;
- Mudgee pool cover;
- Adventure playground (Gulgong);
- Lighting at Victoria Park field (Gulgong) and Pitts Lane (Mudgee); and

- Various playground works (including shade sails, equipment, rubber softfall), pool play equipment and public toilets and amenities.

## **Nexus and apportionment**

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on open space and recreation facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

The need for the open space and recreation facilities in the plan, as established in this Strategy or Council's capital works program, are outlined in more detail below.

### **1. Glen Willow Regional Sports Complex Stage 2 development**

Council has established Glen Willow as a regional sporting facility that has the capacity to attract important regional and State level competitions. The ongoing aim is to develop Glen Willow further and to have a facility that is conveniently located to the majority of residents in the region, attract high profile teams to play and encourage more participation by local people in sporting activities.<sup>14</sup>

In addition to the main field already featured at the complex, it is proposed to establish a number of multi-use fields for both summer and winter competitions including soccer, AFL, rugby league, rugby union, touch football, cricket, junior league, hockey, softball, baseball and netball.<sup>15</sup>

The Micromex community survey had canvassed the wider community support for the complex accommodating the sports currently played at West End and Cahill Park (such as rugby union, junior league, hockey and softball).

The Strategy then recommended that Council focus on the delivery of Stages 2 and 3 of the Glen Willow sports complex facility in conjunction with the rationalisation of duplicated facilities.

The Stage 2 works included in this plan, and also planned as major works in Council's Delivery Program for 2017/21, are for:

- rugby union and rugby league playing fields,
- multi-purpose playing fields,
- junior rugby league playing fields, and
- associated amenities buildings for these facilities.

In the future, Stage 3 works at Glen Willow will encompass the development of netball, AFL, cricket and hockey facilities.

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<sup>14</sup> Mid-Western Regional Council, *Glen Willow Master Plan*, 8 January 2016, p 4.

<sup>15</sup> Ibid.

## **2. Putta Bucca Eco Trail and shared pathways**

The plan includes investment for shared pathways in accordance with Council's Pedestrian Access and Mobility Plan and the development of the Putta Bucca Eco Trail. This follows the recommendation of the Strategy for Council to continue to develop shared pedestrian/cycleway networks throughout the towns, including cycle warning signage on local roads adjacent to the urban areas.

The Strategy also identified Council's plans to continue the walking track along the river, ultimately linking up with Glen Willow via a pedestrian bridge at Cox Street and then extending the track to Putta Bucca Wetlands and providing a loop back to Mudgee via Putta Bucca and Ulan Roads. The urban release area at Caerleon will also be linked back to Mudgee with a shared pathway running parallel to the railway corridor and linking into the Bellevue Estate development.

## **3. Mudgee Water Park**

A water park was identified as one of the top three priority projects by residents during consultation for the Community Plan.

The plan includes a waterpark within Council's swimming pool complex at Lawson Park in Mudgee. Council has accessed grant funding from the State Government of \$800,000 towards this waterpark.<sup>16</sup> The contributions from development will assist in covering the remaining funding needs for the facility, corresponding to the new population's share of demand.

## **4. Mudgee pool cover**

The plan to upgrade Mudgee pool with pool coverage has responded to the Strategy's recommendation that Council investigate opportunities to facilitate access to swimming year round (with all swimming pools otherwise outdoors).

## **5. Adventure Playground (Gulgong) and various playground works**

An adventure playground is identified as key recreational infrastructure in Council's delivery program and responds to public submissions to the Draft Recreation Strategy for such a facility.

Council's Recreation Strategy recommended that Council develop a strategy for the ongoing upgrade and maintenance of playgrounds at a rate of one within 400m of a dwelling. Upgrades to passive parks, facilities and amenities are consistent with the Capital Works Program in Council's Delivery Program.<sup>17</sup>

## **6. Lighting at Victoria Park field (Gulgong) and Pitts Lane (Mudgee)**

The Recreation Strategy noted the need for lighting improvements at certain venues to facilitate increased capacity. Lighting installation is proposed both at Victoria Park field, Gulgong and Pitts Lane, Mudgee.

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<sup>16</sup> This funding was granted under the NSW Government's \$200 million Stronger Country Communities fund.

<sup>17</sup> Delivery Program, p 16.

## Section 7.11 contribution rates calculation

The contribution formula for open space and recreation infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

Where:

**\$INF** = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the open space, recreation and community facility infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).

**AF%** = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).

**P** = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

### 3.2.3 Community facilities

#### Objectives

Council's objective for community facility provision also builds on its key theme of 'looking after our community' through the effective and efficient delivery of infrastructure.<sup>18</sup>

#### Needs assessment and infrastructure strategy

The community facility works included in the plan reflect the priorities in Council's Delivery Program.

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<sup>18</sup> Delivery Program 2017/21, p 9.

The community facility works included in the plan are for:

- A regional art gallery;
- Mudgee showground development;
- Public art expansion;
- The Kandos/Rylstone preschool extension; and
- Various library resources.

The development of the regional art gallery is among the top 10 community priorities in Council's Community Strategic Plan.

The Mudgee Showground Development is in accordance with Council's adopted Master Plan. This Master Plan 'provides a long term vision for the Showground (as a significant multi-purpose activities and event facility), identifying what it should look like and how it should function into the future'.

### **Nexus and apportionment**

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on community facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

### **Section 7.11 contribution rates calculation**

The contribution formula for community facilities can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

Where:

**\$INF** = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the community infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).

**AF%** = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).

**P** = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

### **3.2.4 Transport infrastructure**

#### **Objectives**

Council aims to deliver a “high quality road network that is safe and efficient” for its community.<sup>19</sup> A range of transport works are required to meet the demands of the future population in Mudgee and the remainder of the Mid-Western Regional LGA, in the context of achieving this objective.

#### **Needs assessment and infrastructure strategy**

Council maintains a road network of approximately 2,445km, including 163km under contract to the State Government (the Castlereagh Highway and Sofala Road), and establishes an Annual Road Network Strategic Plan.

The community has an expectation that the level-of-service provided for roads and associated assets will continue to be improved into the future. Council’s present funding levels for roads, particularly unsealed roads, is insufficient to meet desired level-of-service parameters based on life-cycle cost. Roads were voted as the top priority for future Council spending during Council’s recent “Towards 2030 Community Plan” public consultation period. Future population growth will place further pressure on the traffic network.<sup>20</sup>

The aim of the Mudgee Traffic Management Study (2014) was to prepare an effective Traffic Management Plan for the township of Mudgee, by:

- Establishing current and predicted traffic flows, incorporating existing problem areas.
- Determining current traffic and transport infrastructure and treatment measures, resulting from present day and predicted traffic volumes.
- Identifying road infrastructure upgrades that promote efficient traffic movement around Mudgee, bearing in mind new developments and end destinations.
- Prioritising upgrades so that implementation is timely with growth and levels of service remaining satisfactory.
- Determining both current and future needs with regards to rail crossing points.

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<sup>19</sup> Delivery Program, p 29.

<sup>20</sup> Mid-Western Regional Council, *Roads Asset Management Plan 2016 - 2026*, 18 May 2016, p 10.



- Informing the developer contributions plan.

Consistent with community priorities and, the findings of the Mudjee Traffic Study, this plan levies section 7.11 contributions on residential developments to fund a range of roadworks:

- Sealed rural road works;
- Bridges on rural roads;
- Urban road works;
- A pedestrian footbridge (in Rylstone); and
- Pedestrian access mobility plan works in Mudjee and the remainder of the LGA.

Funds are also allocated towards further studies to determine the traffic network needs for Mudjee and the broader LGA over the next 10 years, to consider the projected demands on the network associated with population growth.

### **Nexus and apportionment**

The Mudjee Traffic Study (2014) has informed the traffic needs around the Mudjee township, including the need for various roadworks included in the plan.

The study identified the streets and intersections where traffic volumes are expected to considerably increase as a result of new residential development.

The study found that around 18,600 vehicle trips per day may be generated over the next 15 to 20 years by the potential residential areas in Mudjee.<sup>21</sup>

This study has informed Council's current capital roadwork program, as have annual reviews of roadwork needs across the broader LGA and opportunities to leverage funding for roadwork. In this plan, new development is apportioned the cost of these infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

Further studies are required to determine the traffic network needs within Mudjee and the remainder of the LGA, and study costs are apportioned to the plan to reflect the new residents' share of demand only.

### **Section 7.11 contribution rates calculation**

The contribution formula for transport infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

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<sup>21</sup> Mid-Western Regional Council, *Mudjee Township - Traffic Management Study 2014 – Final Report*, February 2015, p 3.

Where:

- $\$INF$  = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the transport infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).
- AF% = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).
- P = The expected total population or growth in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

## **Roads and Traffic – Haulage Contributions**

### **Objectives**

While each truck movement associated with extractive industries will contribute to the volume of traffic within the public road system, the actual damage to the road surface and the need to upgrade roads is substantially and directly associated with laden trucks and the burden that they place on the road network. Accordingly, this plan levies development contributions based directly upon the number and weight of laden truck movements.

### **Needs assessment and infrastructure strategy**

Council has an asset management program that aims to maintain the local road system at an adequate level of service and establishes the costs of necessary maintenance and rehabilitation work required to achieve this level of service. The demand for a large proportion of this roadwork can be related directly to the volume of material leaving an extractive industry site.

## Nexus and contributions methodology

The impact of heavy haulage of quarried materials on the local road network is by its nature difficult to determine with precision. The destination and travel routes of heavy haulage vehicles can vary depending on the nature of the business, the major projects being serviced, the amount of material being hauled, and other product and market factors.

Heavy vehicles have a significant impact on the life of sections of the local road network that in turn imposes significant costs by requiring more frequent reconstruction works to ensure road safety and satisfactory levels of service for all users.

This contribution plan establishes a reasonable estimate of the cost per tonne of extractive material hauled that are to be paid to Council for the cost of road reconstruction necessary as a result of the pavement damage to the local road network on the identified truck routes. The approach is similar to methodologies applied by other NSW regional councils (including in the Hunter region).<sup>22</sup>

This approach is based on:

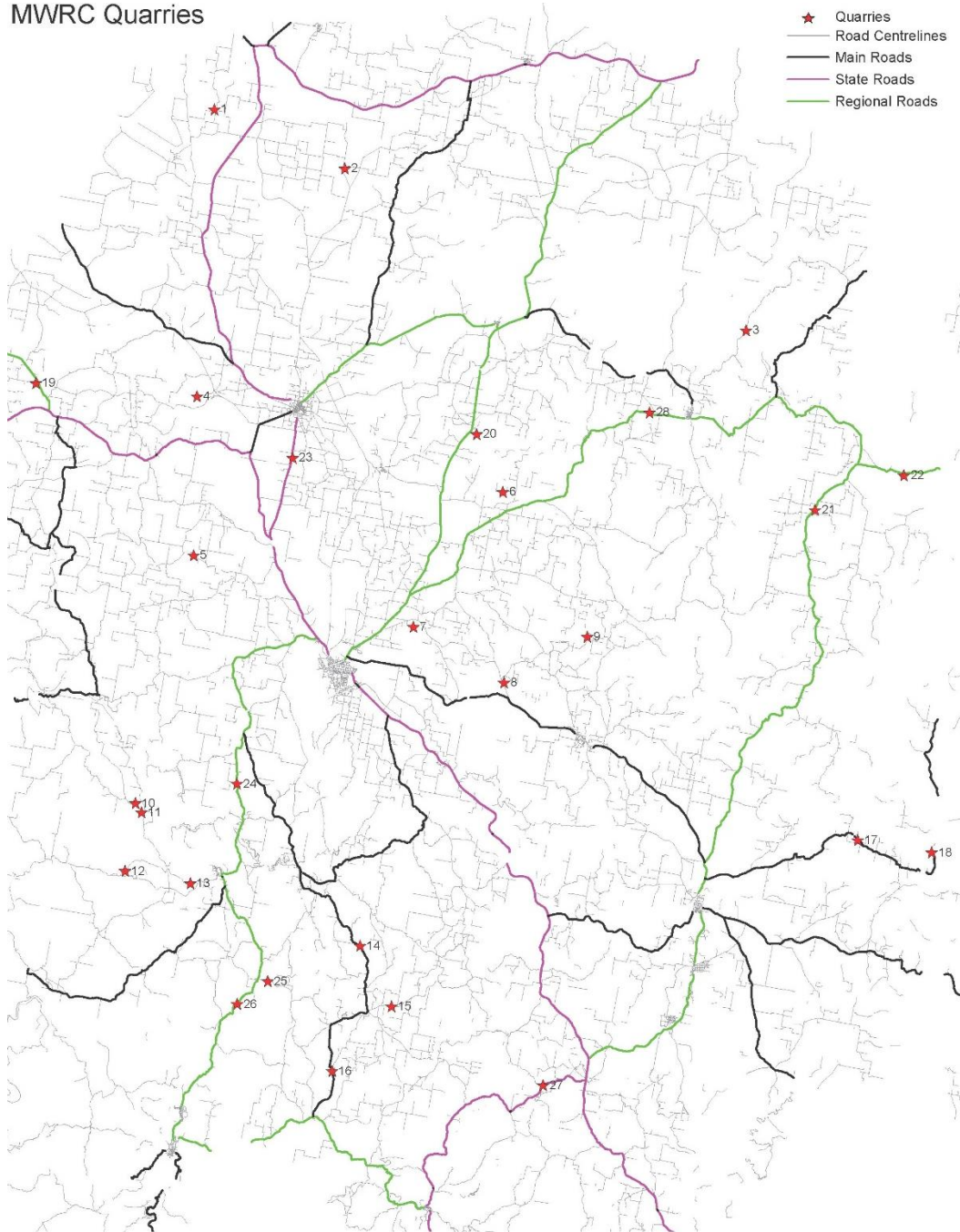
- The average cost of road reconstruction due to typical heavy haulage vehicles on a tonne per kilometre rate.
- An estimated average travel distance per tonne of weight associated with the transport by typical heavy haulage vehicles on the local road network based on existing quarries and various assumptions about the heavy haulage destinations (see **Figure 4** below for assumed quarry routes).

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<sup>22</sup> Includes the Upper Hunter Shire, Dungog Shire and Great Lakes councils.

**Figure 4 Mid-Western Regional LGA - quarry routes on local road network**

MWRC Quarries



Distance from Quarry to State/Regional Road  
 Quarry 1 - 5.34km (2.09km is Crown Road)  
 Quarry 2 - 23.94km (0.84km is Unmaintained Road)  
 Quarry 3 - 13.85km  
 Quarry 4 - 11.51km (0.76km is Crown Road)  
 Quarry 5 - 15.72km (5.86km is Crown Road)  
 Quarry 6 - 3.58km (1.5km is Crown Road)

Quarry 7 - 3.3km  
 Quarry 8 - 19.1km (1.49km is Crown Road)  
 Quarry 9 - 31.18km (1.49km is Crown Road)  
 Quarry 10 - 14.8km (2.68km is Crown Road)  
 Quarry 11 - 13.53km (1.41km is Crown Road)  
 Quarry 12 - 12.25km

Quarry 13 - 3.63km  
 Quarry 14 - 21.57km  
 Quarry 15 - 17.16km  
 Quarry 16 - 5.42km  
 Quarry 17 - 18.41km (2.66km is Crown Road)  
 Quarry 18 - 29.9km (4.59km is Crown Road)

The average cost of road reconstruction is based upon the cost to replace the asset from Council's Roads Asset Management Plan 2016-2026<sup>23</sup> and the estimated design traffic loading.

The estimated design traffic loading refers to Austroads Pavement Design guidelines where pavement design life can be expressed in accordance with design traffic loadings (Equivalent Standard Axles (ESAs)). This means that the life of a pavement can be expressed as the total number of equivalent axles that should pass over it prior to replacement.

The design life of the roads on the main truck routes in the Mid-Western Regional network is assumed to be approximately 1,500,000 ESAs over a 50 year period.<sup>24</sup>

Each of the steps in calculating the contribution rate are explained in **Table 11**.

**Table 11 Summary of calculation of contribution rates for rural road pavement damage**

Step	Workings for sealed road with medium traffic
Determine design ESA	Assumed design life of pavement: <b>1,500,000 ESAs</b> over 50 years
Estimate the cost to reconstruct/maintain 1 lane km (for the above ESAs)	Average pavement reconstruction cost where: <ul style="list-style-type: none"> <li>• Sealed road (75 yr. life) pavement rehabilitation cost for &gt;15km is \$21.59m<sup>2</sup></li> <li>• Sealed local road bitumen seal (19 yr. life) is \$7.61m<sup>2</sup> where 2 seals required in 50 years</li> <li>• lane width assumed to be 5m</li> <li>• original cost in \$2015</li> </ul> = \$21.69 + \$7.61(x2) x 1,000 x 5 x 1.05326 (CPI factor) = <b>\$194,379 per lane per km</b>
Calculate the contribution rate in \$ / ESA / km	Pavement = \$194,379 / 1,500,000 = <b>\$0.1296 per ESA per km</b>
Calculate the \$ / typical vehicle ESA	The typical vehicle is assumed to be a 'class 4 + dog trailer' & no. of ESAs per typical vehicle = 5.2  Contribution per typical vehicle = \$0.1296 x 5.2 = <b>\$0.6738 per vehicle</b>
Calculate \$ / tonne / km	The typical load in a typical vehicle is assumed to be 15 tonnes.  Contribution = \$0.6738 / 15 = <b>\$0.0449 per tonne per km</b>

<sup>23</sup> See Table 5.1 – Lifecycle cost parameters (pp 32-34) for unit rates for road rehabilitation costs sourced from this plan, dated 18 May 2016.

<sup>24</sup> Both the Dungog Shire and Upper Hunter Shire councils (in 2017 contributions plans) assume the standard life of local sealed roads is approximately 1,000,000 ESAs over 20 and 30 years respectively, thus this plan assumes 1,500,000 ESAs over 50 years given the likely number of trips by heavy vehicles on the Mid-Western Regional local road network.

Step	Workings for sealed road with medium traffic
Contribution per tonne	<p>The average distance for a typical trip in the Mid-Western LGA by a laden truck to or from an operator's quarry site is 14.7 km.</p> <p>Contribution = \$0.0449 x 14.7</p> <p>= <b>\$0.66 per tonne</b></p>

Council could as a condition of consent require the travel routes for every heavy haulage truck movement to be logged and for this information to be used to calculate the precise cost of the pavement damage and associated need for road reconstruction attributable to those movements. This is considered an onerous approach that would require considerable resources to administer by both operators and Council.

Instead, this plan sets the contribution per tonne payable by operators of quarry and other extractive industry developments, which is representative of the cost for a typical operator.

Council may at its discretion use a different travel distance for the purpose of this formula where there is sufficient evidence provided by the operator or Council to indicate that there is a significant difference between its typical travel distance per trip and the standard **14.7 km** assumed travel distance. The application of a different distance in the calculation of a contribution will therefore be determined by Council on a case by case basis.

This contribution also does not preclude the negotiation of a Voluntary Planning Agreement between Council and the developer concerning a proposal for a mine or quarry development, which ensures contributions are provided to mitigate its impact.

### Section 7.11 contribution rates calculation

Contributions will be required to be paid on a quarterly basis to Council based on a fee for each tonne of extractive resource leaving the extractive industry site by road transport. This levy will be calculated as follows:

$$\text{QCR} = \text{TONNES} \times \text{RATE}$$

Where:

**QCR** = the quarterly contributions required;

**TONNES** = tonnes of resource removed from site per quarter by road transport; and

**RATE** = \$0.66 per tonne, if based on the assumed typical distance per route.

The rate per tonne is based on the assumed typical distance per vehicle trip in the plan (14.7 km), and as stated above, this could vary on a case by case basis, at Council's discretion.

Council's adopted rate per tonne will be indexed in accordance with quarterly movements in the CPI from the base period of this plan.

### 3.2.5 Drainage infrastructure

#### Objectives

Council is committed to identifying and planning required renewals and upgrades for its stormwater assets, in accordance with existing and new development needs.

#### Needs assessment and infrastructure strategy

One of Council's key projects in its Delivery Program is to effectively maintain its existing drainage network including built infrastructure and overland drainage reserves.<sup>25</sup>

The works program in this plan reflects the Delivery Program's drainage works in the Mudgee township, including:

- Drainage capital improvements;
- Causeway improvements;
- Bent Street Drainage Improvements;
- Lawson Park West Pipe Extension;
- Mudgee Flood Study and Floodplain Management Plan;
- Bombira Ave Drainage Improvements; and
- Court Street Drainage Improvements.<sup>26</sup>

#### Nexus and apportionment

New development in the Mudgee catchment is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population in Mudgee at the end of the plan period. Although drainage infrastructure need is linked to the impervious area of a development, population is considered a suitable proxy for demand, in the interests of simplicity in the plan.

#### Section 7.11 contribution rates calculation

The contribution formula for drainage infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

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<sup>25</sup> Delivery Program, p 23.

<sup>26</sup> Operational Plan 2017/18, p 83.

Where:

- \$INF = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the drainage infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).
- AF% = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).
- P = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

### 3.2.6 Plan administration

#### Objectives

Council's aim is to implement and manage this plan so that the contributions remain reasonable over the life of the plan, and that the infrastructure is provided in a reasonable time.

#### Strategy

This plan has been prepared to allow contributions to be levied on development so that infrastructure demands can be satisfied. The costs that Council has incurred in this regard include the commissioning of external experts to prepare the plan text and works schedules.

Additionally, Council is required to manage, monitor and maintain the contributions plan. The effective coordination and administration of the plan will involve many tasks, some of which include the following:

- Monitoring the receipt of contributions.
- Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules.
- Monitoring and programming works identified in the works schedules.



- Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.
- Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined.
- Reviewing and determining the suitability of any works in kind and material public benefits proposed by a developer.
- Preparing and making available the accountability information as required by the EP&A Regulation.
- Providing advice to applicants and the general public regarding the operation of the plan.
- Commissioning of consultant studies and advice in relation to the efficacy of the development and demand assumptions of the contributions plan.

### **Nexus, apportionment and contribution rates calculation**

As plan administration costs arise directly as a result of the future development, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in the area. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for management and administration are determined based on the IPART benchmark<sup>27</sup> of an allowance equivalent to 1.5% of the cost of construction works that are to be met by development approved under this plan.

Although the 1.5% is based on the total cost of local infrastructure, which will only be partially funded by this plan, an average allowance of \$78,780 per annum is considered appropriate to cover the plan administration costs incurred by Council in preparing and administering the plan over its life.

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<sup>27</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, p 63.

## 4. How and when will contributions be imposed on developments?

### 4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring either a contribution under section 7.11 or a levy under section 7.12 of the EP&A Act on that approval for:

- the provision, extension or augmentation of local infrastructure to be provided by Council; and
- the recoupment of the previous costs incurred by Council in providing existing local infrastructure.

A section 7.12 levy cannot be required in relation to development if a section 7.11 contribution is required in relation to that development.

The types of development subject to either a contribution or levy, and the contribution or levy rates applying to different development types, are identified in **Section 2.8** and **Tables 4** and **5** of this plan.

Accredited certifiers should also refer to **Section 4.4** of this plan as to their obligations in assessing and determining applications.

### 4.2 Section 7.11 contributions

This section of the plan applies only in respect to the calculation of section 7.11 contributions for individual developments.

#### 4.2.1 Latest rates to be used

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 7.11 contribution rates shown in **Table 4** reflect the contribution rates at the date that this plan commenced. These rates will be regularly adjusted for inflation and fluctuations in land values (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

#### 4.2.2 Variation to section 7.11 contributions authorised by this plan

The consent authority, other than a private accredited certifier, may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application setting out the following, as relevant:

- the grounds on which the variation to the plan contribution is reasonable in the circumstances;
- details and calculations showing that application of the plan's contribution rates results in an unreasonable contribution amount; and
- calculations showing that an alternative amount fairly reflects the net increase in demand for the infrastructure included in this plan.

The consent authority will not consider requests for reductions based solely on any perceived broader community benefit of the development.

The decision to accept a variation to a contribution is at the sole discretion of Council.

### **4.3 Section 7.12 fixed development consent levies**

This section of the plan applies only in respect to the calculation of section 7.12 levies for individual developments.

#### **4.3.1 Determining the proposed cost of carrying out a development**

Section 7.12 levies are calculated as a percentage of the cost of development.

#### **4.3.2 Cost Summary Report must accompany development application or complying development certificate**

Where a section 7.12 levy is required under this plan in relation to a DA or application for a CDC, the application is to be accompanied by a Cost Summary Report prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development.

Council will validate all Cost Summary Reports before they are accepted using a standard costing guide or other generally accepted costing method. Should the costing as assessed by Council be considered inaccurate, Council may, at its sole discretion and at the applicant's cost, engage a person referred to in **Section 4.3.3** to review a Cost Summary Report submitted by an applicant.

#### **4.3.3 Who may provide a Cost Summary Report?**

The persons approved by the Council to provide an estimate of the proposed cost of carrying out development:

- A cost summary report must be completed for works with a value no greater than \$1,000,000.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$1,000,000.

#### 4.3.4 What must be included in a Cost Summary Report?

Clause 25J of the *Environmental Planning and Assessment Regulations 2000* sets out the things that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- If the development involves the erection of a building, or the carrying out of engineering or construction work – the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation;
- If the development involves a change of use of land – the costs of or incidental to doing anything necessary to enable the use of the land to be changed;
- If the development involves the subdivision of land – the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

#### 4.4 Obligations of accredited certifiers

##### 4.4.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

##### Procedure for determining a section 7.11 contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11(6) of the EP&A Act such as that envisaged in **Section 2.10** of this plan, or an exemption for part or the whole of the development under **Section 2.7** of this plan, the accredited certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.

2. Determine the unadjusted contributions in accordance with the rates included in **Tables 4** and **5** of this plan taking into account any exempted development specified in **Section 2.7** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed local infrastructure demand relating to existing development (**Section 2.10**).

**Terms of a section 7.11 condition**

The terms of the condition requiring a section 7.11 contribution are as follows:

7.11 Contribution

*The developer must make a monetary contribution to Mid-Western Regional Council in the amount of \$[insert amount] for the purposes of the Local Infrastructure identified in the Mid-Western Regional Local Infrastructure Contributions Plan 2019.*

[strike out any of the following infrastructure categories are not applicable]

<i>Open space and recreation</i>	\$ [insert amount]
<i>Community facilities</i>	\$ [insert amount]
<i>Transport facilities</i>	\$ [insert amount]
<i>Drainage improvements</i>	\$ [insert amount]
<i>Plan administration</i>	\$ [insert amount]
<b>Total</b>	<b>\$ [insert amount]</b>

Indexation

*The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

*Where:*

*\$C<sub>C</sub> is the contribution amount shown in this certificate expressed in dollars*

*CPI<sub>P</sub> is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution*

*CPI<sub>c</sub> is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate*

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

*Time for payment*

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred or periodic payments of contributions must be agreed by Council.*

*Works in kind agreement*

*This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.*

**Procedure for determining the section 7.12 levy amount**

1. Ensure that the development is not subject to a section 7.11 contribution under this plan or any other contributions plan adopted by the Council and that remains in force.
2. Determine the section 7.12 levy in accordance with the Cost Summary Report prepared by or on behalf of the applicant under **Section 4.3** of this plan using the rates included in **Table 6** of this plan and taking into account any exempt development specified in **Section 2.7**.

**Terms of a section 7.12 condition**

The terms of the condition requiring a section 7.12 levy are as follows:

*7.12 Contribution*

*The developer must make a monetary contribution to Mid-Western Regional Council in the amount of \$ [insert amount] for the purposes of the Local Infrastructure identified in the Mid-Western Regional Local Infrastructure Contributions Plan 2019.*

*Indexation*

*The monetary contribution is based on a proposed cost of carrying out the development of \$ [insert amount]. This cost (and consequently the monetary contribution) must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\text{Indexed development cost (\$)} = \frac{\$Co \times \text{Current CPI}}{\text{Base CPI}}$$

*Where:*

*\$Co is the original development cost estimate assessed at the time of the issue of the complying development certificate*

*Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment*

*Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution*

*Time for payment*

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by clause 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred or periodic payments of contributions (up to 6 months) must be agreed by Council.*

*Works in kind agreement*

*This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.*

#### **4.4.2 Construction certificates**

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) 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 EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

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

## 5. How and when can a contribution requirement be settled?

### 5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals are required – before the development consent is issued.
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (line plan).
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works authorising construction above the floor level of the ground floor.
- For works authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

### 5.2 Deferred or periodic payments

Council may accept the deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies the Council that:

- a. Compliance with the provisions relating to when contributions are payable is considered unreasonable or unnecessary in the circumstances of the case;
- b. The deferment of payment or allowing periodic payments does not prejudice the timing or the manner of the provision of the public facility or service for which the contribution was required as outlined in the Capital Works Program; and
- c. The full amount of the contributions being deferred is paid within 6 months.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

All requests to Council for deferred or periodic payments should be formulated in writing based on consultation with Council and forwarded to Council prior to the determination of a development application by Council.

When Council allows a deferral of contributions, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:



- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to seven (7) months interest.
- Any charges associated with establishing or operating the bank security are payable by the applicant.
- The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- The bank guarantee is able to be redeemed within 24 hours' notice from Council.

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

- The instalment be paid before the work commences on the relevant stage of the development; and
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, plus CPI if required.

### **5.3 Can the contribution be settled by dedicating land or undertaking works?**

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

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

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

- (b) If the developer has already received a development consent containing a condition requiring a monetary contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer of works or land should be consistent with the relevant LEP and DCP applying to the land.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

### **5.3.1 Offers and agreements generally**

Any offer for works in kind or other material public benefit shall be made in writing to the Council and shall be made prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land may be accepted by the Council under the following circumstances:

- Council will generally only accept offers of works or land that are items included in the schedule of local infrastructure in this plan; and
- Council determines that the works in kind are, or the land to be dedicated is, appropriate and meets a broad community need.

In assessing the request, Council will consider the following:

- The design of the facilities, and whether the design will result in facilities that are fit for purpose.
- The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised in this plan.
- The amount of contributions that will be offset as a result of the works in kind or land dedication.

Plans and cost estimates of the proposed works are to be prepared by suitably qualified professionals and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will negotiate with the applicant, as relevant, the following:

- an acceptable standard for workmanship and materials;
- frequency of progress works inspections;
- the program for completion of the works or the dedication of the land; and
- an appropriate defects liability period.

## **6. Other administration matters**

### **6.1 Relationship of this plan to other contributions plans**

The following contributions plans are repealed by this plan:

- Mid-Western Regional Council, *Section 94 Development Contributions Plan 2005 – 2021*, adopted 4 July 2007 (and as amended); and
- Mid-Western Regional Council, *Section 94A Development Contributions Plan 2005 – 2021*, adopted 24 January 2006 (and as amended).

This plan however does not affect development consents applying to land in the Mid-Western Regional LGA containing conditions requiring contributions or levies under the above plans.

Contributions imposed on developments under the above plans and paid to or held by Council will be applied to completing the works schedules in those plans. When works are completed, funds will be allocated towards the works schedules in this plan.

### **6.2 Savings and transitional arrangements**

This plan applies to a development application or application for a CDC that was submitted but not yet determined on the date on which this plan took effect.

### **6.3 Adjustment of contributions to address the effects of inflation**

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

#### **6.3.1 Section 7.11 contribution rates**

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the section 7.11 contribution rates set out in this plan to reflect quarterly movements in the Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics.

The latest contribution rates will be published on the Council's website in the Annual Fees and Charges.

#### **6.3.2 Contribution and levy amounts in consents**

A section 7.11 monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Similarly, the proposed cost of carrying out development the subject of a section 7.12 levy is to be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

#### **6.4 Pooling of contributions funds**

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in **Appendix A (Table A.1)** of this plan.

#### **6.5 Accountability and access to information**

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's administration office and may be inspected upon request.

# APPENDIX A

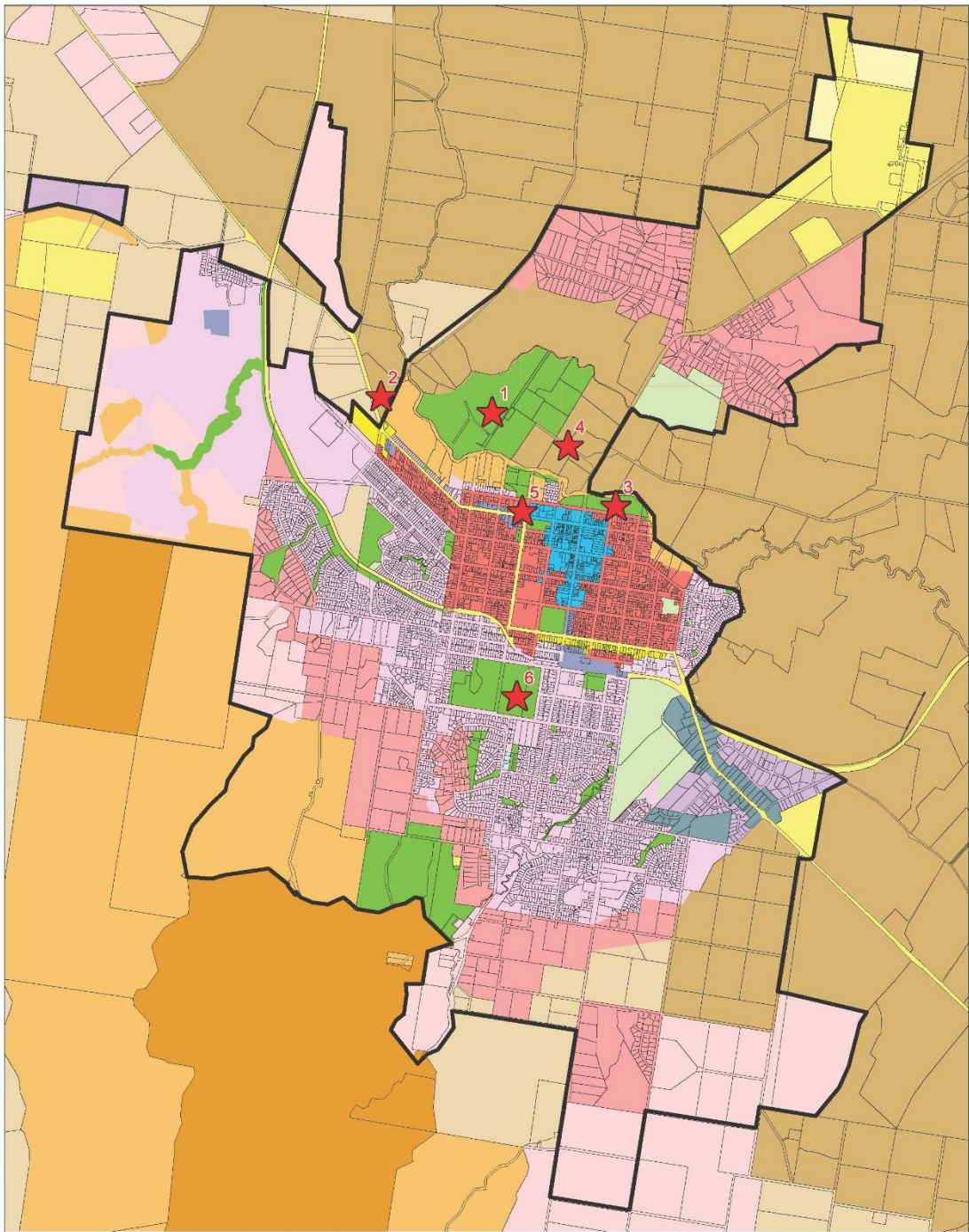
## Infrastructure schedule and location map

**Table A.1 Local Infrastructure schedule and apportionments for s7.11 contributions**

Infrastructure item	Catchment	Total cost (\$)	Population for apportionment <sup>1</sup>	\$ contribution per person (cost/population)	Cost funded from s7.11 plan <sup>2</sup>	Planned delivery timing
<b>Transport</b>						
Sealed Rural Roads Capital Works (10 year spend)	LGA	\$8,500,000	26,815	\$317	\$633,852	2019-2029
Bridges Rural Roads Capital Works (10 year spend)	LGA	\$570,000	26,815	\$21	\$42,505	2019-2029
Urban Roads (projected 10 year spend)	LGA	\$8,000,000	26,815	\$298	\$596,566	2019-2029
Mudgee Traffic Study Works - local network works	Mudgee	\$1,010,000	1,300	\$777	\$1,010,000	2021-2023
Mudgee Traffic Study Works - regional network works	LGA	\$4,750,000	26,815	\$177	\$354,211	2024-2026
Pedestrian Access Mobility Plan Works - Mudgee	Mudgee	\$1,800,000	13,800	\$130	\$169,510	2019-2029
Pedestrian Access Mobility Plan Works - Remainder of LGA	Outside Mudgee	\$1,200,000	13,015	\$92	\$64,546	2019-2029
Pedestrian Footbridge (Rylstone)	Outside Mudgee	\$480,000	13,015	\$37	\$25,818	2019-2021
<b>Recreation and Open Space</b>						
Glen Willow Stage 2	LGA	\$7,000,000	26,815	\$261	\$521,996	2019-2021
Victoria Park Field Lighting (Gulgong)	Outside Mudgee	\$580,000	13,015	\$45	\$31,197	2019-2021
Putta Bucca Eco Trail	Mudgee	\$680,000	13,800	\$49	\$64,037	2019-2021
Mudgee Water Park	Mudgee	\$800,000	13,800	\$58	\$75,338	2019-2021
Mudgee Pool Cover	Mudgee	\$4,000,000	13,800	\$290	\$376,688	2021-2023
Adventure Playground (Gulgong)	Outside Mudgee	\$560,000	13,015	\$43	\$30,121	2019-2021
Public Toilets and Amenities	LGA	\$300,000	26,815	\$11	\$22,371	2019-2029
Pitts Lane Lighting	Mudgee	\$100,000	13,800	\$7	\$9,417	2021-2023
Playground (Kandos)	Outside Mudgee	\$100,000	13,015	\$8	\$5,379	2021-2023
Shared Walkways	Mudgee	\$2,000,000	13,800	\$145	\$188,344	2019-2029
Playground Shade Sails	LGA	\$150,000	26,815	\$6	\$11,186	2019-2029
Playground Equipment	LGA	\$350,000	26,815	\$13	\$26,100	2019-2029
Playground Rubber Softfall	LGA	\$150,000	26,815	\$6	\$11,186	2019-2029
Pool Play Equipment	Mudgee	\$250,000	13,800	\$18	\$23,543	2019-2029
<b>Community</b>						
Regional Art Gallery	LGA	\$4,500,000	26,815	\$168	\$335,569	2019-2021
Mudgee Showground Development	LGA	\$850,000	26,815	\$32	\$63,385	2021-2023
Public Art Expansion	Mudgee	\$300,000	13,800	\$22	\$28,252	2019-2029
Kandos/Rylstone Preschool Extension	Outside Mudgee	\$240,000	13,015	\$18	\$12,909	2019-2021
Library Resources	LGA	\$800,000	26,815	\$30	\$59,657	2019-2029
<b>Stormwater Management</b>						
New Drainage Works	Mudgee	\$2,500,000	13,800	\$181	\$235,430	2019-2029
<b>Plan administration</b>						
Plan administration	LGA	\$787,800	2,000	\$394	\$787,800	
<b>Total</b>		<b>\$53,307,800</b>			<b>\$5,816,912</b>	

**Notes:** The schedule excludes the civic improvements to the value of \$500,000 to be funded from s7.12 contributions (such that the **total schedule of works is \$6,316,912**).

(1) The catchment population in the final year of the plan (2029) except for the Mudgee Traffic Study Works item which is apportioned to growth in the Mudgee catchment only.

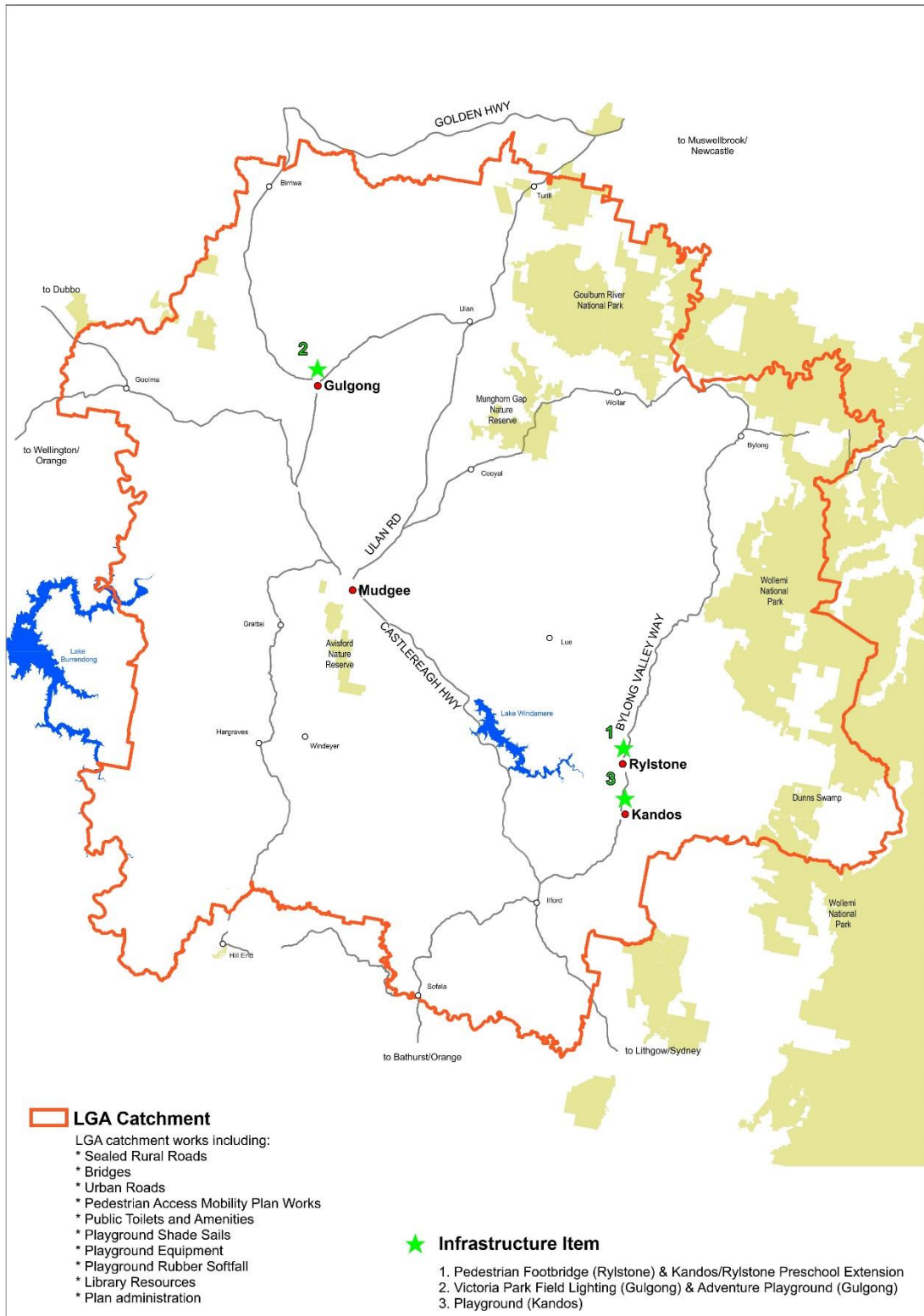


**★ Infrastructure Item**

1. Glen Willow Stage 2
2. Putta Bucca Eco Trail
3. Mudgee Water Park, Mudgee Pool Cover & Pool Play Equipment
4. Pitts Lane Lighting
5. Regional Art Gallery
6. Mudgee Showground Development

**▭ Mudgee catchment**

- Mudgee catchment works including:
- \* Mudgee Traffic Study Works
  - \* Pedestrian Access Mobility Plan Works
  - \* Shared Walkways
  - \* Public Art Expansion
  - \* New Drainage Works



## APPENDIX B

### Examples of how to calculate contributions and levies

#### Section 7.11 Contributions

##### Worked example 1:

A proposed residential flat building development in Mudgee involves the demolition of 2 x 4 bedroom dwelling houses on 2 allotments of land and construction of a new building containing 25 x 2-bedroom apartments and 5 x 1-bedroom apartments.

25 x 2 bedroom dwellings	=	25 x \$8,529 (refer to Table 4) = \$231,225
<u>plus</u> 5 x 1 bedroom dwellings	=	5 x \$5,118 (refer to Table 4) = \$25,590
<u>less</u> 2 x 4 bedroom dwellings credit	=	2 x \$8,529 (refer to Table 4) = \$17,058
<b>Total contribution</b>	=	<b>\$239,757</b>

##### Worked example 2:

A proposed subdivision of land in Gulgong involves the creation of 15 Torrens title allotments on a single parent lot that is vacant.

15 lots each with a dwelling entitlement	=	15 x \$4,940 (refer to Table 5) = \$74,100
<u>less</u> 1 existing vacant lot credit	=	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	=	<b>\$69,160</b>



### Worked example 3:

A proposed single dwelling house comprising 4 bedrooms on a vacant rural residential lot in Rylstone either via Development Application or a Complying Development Certificate.

1 x 4 bedroom dwelling	=	1 x \$4,940 (refer to Table 5) = \$4,940
<u>less</u> 1 existing vacant lot credit	=	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	=	<b>Nil</b>

### Worked example 4:

The proposed demolition of an existing 3 bedroom dwelling house and the construction of an attached dual occupancy, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x 3 bedroom dwelling credit	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

### Worked example 5:

The proposed construction of a detached dual occupancy on vacant land, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

### Worked example 6:

The proposed construction of a detached dual occupancy on vacant land, each comprising 4 bedrooms in Mudgee and Torrens Title Subdivision of the land.

2 x 4 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land & subdivision 1 into 2 lots	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

### Worked example 7:

The proposed construction of a detached dual occupancy on vacant land, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

### Worked example 8:

The proposed construction of a secondary dwelling in Gulgong (either via Complying Development Certificate or Development Application).

1 x secondary dwelling	=	1 x \$2,965 (refer to Table 5) = \$2,965
<b>Total contribution</b>	=	<b>\$2,965</b>

### Worked example 9:

The proposed construction of a seniors living development (not provided by a social housing provider) comprising of 15 self-care dwellings in Mudgee.

15 x seniors living dwellings	=	15 x \$5,118 (refer to Table 4) = \$76,770
<b>Total contribution</b>	=	<b>\$76,770</b>

### Worked example 10:

The proposed construction of a boarding house in Mudgee comprising of 45 residents.

45 residents x per resident contribution	=	45 x \$3,411 (refer to Table 4) = \$153,495
<b>Total contribution</b>	=	<b>\$153,495</b>

### Worked example 11:

The proposed construction of a Multi-Dwelling housing development in Mudgee consisting of 3 x 3 bedroom new attached dwellings and the retention of the existing detached 3 bedroom dwelling.

3 x 3 bedroom new dwellings	=	3 x \$8,529 (refer to Table 4) = \$25,587
1 x 3 bedroom existing dwelling	=	1 x \$8,529 (refer to Table 4) = \$8,529
<u>Less</u> 1 x credit for 1 x 3 bedroom existing dwelling	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$25,587</b>

### Worked example 12:

A proposed residential change of use with alterations and additions from an existing storage shed to a single dwelling house comprising 3 bedrooms in Cooks Gap (no existing dwelling on the land).

1 x 3 bedroom dwelling	=	1 x \$4,940 (refer to Table 5) = \$4,940
<u>less</u> 1 x credit for existing allotment	=	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	=	<b>Nil</b> (refer to <b>Section 2.7</b> of the Plan)

### Worked example 13:

A proposed extractive industry (quarry) proposing to remove and transport 150,000 tonnes of gravel per month.

0.66 cents x 150,000 tonnes / month	=	\$99,000
Levied amount per quarter (3 x \$99,000)	=	\$297,000
<b>Total contribution</b>	=	<b>\$297,000 per quarter</b> (refer to <b>Section 2.9.2</b> of the Plan)

## Section 7.12 Contributions

### Worked example 1:

A proposed commercial re-development in Mudgee involving the demolition of existing improvements and the construction of a building, car parking and landscaping with a cost of construction of \$4 million.

\$4 million x 1%	=	\$40,000
<b>Total levy</b>	=	<b>\$40,000</b>

### Worked example 2:

A proposed change of use from business premises to a retail shop in Mudgee which involves no building works to increase the Gross Floor Area of the building with a cost of construction of \$100,000.

As the proposal does not increase the Gross Floor Area of the building under the change of use, the development is exempt from the levying of contributions (refer to <b>Section 2.7</b> of the Plan).
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### Worked example 3:

A proposed mixed use development comprises a function centre with a GFA of 300m<sup>2</sup> and apartments with a GFA of 150m<sup>2</sup>. Total cost of construction is \$2,000,000.

In this case, the function centre component comprises the majority of the total GFA in the development, and a section 7.12 levy based on the proposed cost of the entire development would be imposed. If, however, the residential component (apartments) comprised the greater GFA, a section 7.11 contribution on the entire development would apply based on the number of apartments and bedrooms (**Tables 4 or 5**).

\$2 million x 1%	=	\$20,000
<b>Total levy</b>	=	<b>\$20,000</b>

#### **Worked example 4:**

A proposed change of use to a commercial building in Kandos with an increase in GFA of 40m<sup>2</sup>. The cost of construction is \$65,000.

Whilst the proposal increases the Gross Floor Area of the building under the change of use, the development is exempt from the levying of Section 7.12 contributions as the cost of works is less than \$100,000 (refer to **Table 6**).

#### **Worked example 5:**

A proposed change of use of an existing dwelling to a serviced apartment (tourist and visitor accommodation), no increase in floor area, however an internal fit out is required to include accessible facilities. The cost of construction is \$65,000.

As the proposal does not increase the Gross Floor Area of the building under the change of use and the cost of works is less than \$100,000, the development is exempt from the levying of Section 7.12 contributions (refer to **Section 2.7** of the Plan).