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## Planning Matters - 12 September 2023

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### ITEM 5.1                      **Canterbury-Bankstown Local Infrastructure Contributions Plan 2022 - Draft Administrative Amendments**

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#### **PURPOSE AND BACKGROUND**

This report proposes to exhibit draft administrative amendments to the *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022* to clarify its requirements and improve its interpretation by users.

#### **ISSUE**

At its Ordinary Meeting of 23 June 2022, Council adopted the *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022* (the Plan). The Plan commenced on 1 September 2022. Under section 216(1) of the Environmental Planning and Assessment Regulation 2021, Council must keep a contributions plan under review.

Since its commencement, the Plan has achieved Council's goals of consolidating the three former contributions plans into a single, clear, consistent and contemporary policy for levying contributions on new development. Implementing the Plan has, however, revealed the need for minor administrative changes to provide clearer descriptions of the Plan's requirements and ensure it is applied consistently and efficiently.

The proposed amendments include clarifying:

- contributions credits which apply to dwelling houses developed over multiple lots,
- evidence required for applications which request contributions exemption if sites are affected by declared natural disasters,
- descriptions and mapping of infrastructure works schedule items, and
- clarification on the application of the policy where exemptions to contributions and/or credits apply.

Council's Community Participation Plan requires the proposed Plan amendments to be exhibited for a minimum of 28 days to enable review and comment by the public. A further report to Council is required following the public exhibition.

#### **RECOMMENDATION** That -

1. Council exhibit the draft amended *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022* for 28 days in accordance with the Environmental Planning and Assessment Regulation 2021 and Council's Community Participation Plan.
2. The matter be reported to Council following the public exhibition of the Plan.

## **ATTACHMENTS**

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- A. Draft amended Canterbury-Bankstown Local Infrastructure Contributions Plan 2022
- B. Table of proposed amendments to the Canterbury-Bankstown Local Infrastructure Contributions Plan 2022

## **POLICY IMPACT**

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The recommendations contained in this report propose draft administrative amendments to the *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022*. The amendments do not change the purpose or outcomes of the Plan, nor the contribution rates which apply.

## **FINANCIAL IMPACT**

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The matter has no financial implications for Council.

## **COMMUNITY IMPACT**

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By clarifying the intentions of the Plan's provisions, the proposed amendments will be more easily and accurately interpreted by the community. This will result in more efficient and effective implementation of the Plan and ultimately expedite the assessment of development proposals and reduce the need for customer enquiries.

## DETAILED INFORMATION

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The *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022* (the Plan) commenced on 1 September 2022. The Plan levies development contributions on selected new development to fund additional local infrastructure (such as parks, libraries, roads and footpaths), required to meet the needs of the new development.

To ensure a contributions plan remains legally enforceable, contemporary and clear, the Plan is reviewed and amended regularly. Under section 216(1) of the Environmental Planning and Assessment Regulation 2021, Council must keep a contributions plan under review.

Council's application of the Plan since September 2022 has revealed that certain provisions require minor amendments to be clearer and simpler. The amendments will aid interpretation of the Plan by the public, Council staff and registered certifiers, and enable a more efficient assessment of development proposals. These changes are administrative only and do not alter the policy intent or purpose.

Council's Community Participation Plan requires exhibition of the proposed changes for a minimum of 28 days and section 213(1) of the Environmental Planning and Assessment Regulation 2021 requires publication of the amendment on Council's website, for consideration and comment by the public.

Key amendments to the Plan are summarised below and described in detail at Attachment B to this report:

1. Confirm certain development is exempt from paying contributions

Clause 1.3 describes eleven development types which are exempt from contributions. A number of elements of this clause require amendment, including:

- making clearer the exemption provisions,
- clarifying that registered certifiers are required to apply this clause for complying development in accordance with the Plan as per State legislation and regulations,
- describing the evidence required for applications which seek exemption for development involving rebuilding or repair due to declared natural disasters.

2. Describe the type of contribution that would apply to dwelling houses erected over multiple lots

Clause 1.4 (Table 4) provides a quick guide to the contribution types applying to residential development but currently does not include any guidance on the contribution types applying to dwelling houses that are proposed over multiple lots. The draft plan will amend Table 4 to include reference to dwelling houses over multiple lots.

3. Reference the credit card surcharge when paying contributions

Council is permitted to charge a surcharge for contributions paid by credit card, but this is not flagged in clause 4.3. The draft plan will amend clause 4.3 to state that a 0.62% surcharge applies to contributions paid by credit card through EFTPOS

4. Update the criteria for contributions credits and how it applies to complying development

Clause 5.8 describes the circumstances when Council would consider transferring a credit for contributions paid on an initial consent (which was not activated) to a later consent. The text is legalistic and confusing. The draft amendment proposes to:

- simplify the text of the clause to make the language less legalistic and easier to understand for users,
- clarify that registered certifiers are required to apply this clause for complying development,
- remove the requirement that transferring credits can only occur if 'any monetary contributions paid by the applicant have not been spent by Council'. There is no change to the intent or scope of the clause proposed.

5. Update the Infrastructure Schedule to reflect changes since the commencement of the Plan

The Infrastructure Schedule identifies works funded by development contributions. Key amendments to the schedule are proposed to clarify the following matters:

- Amend open space item OS61 (RM Campbell Reserve works) to no longer require land acquisition for public access. Acquisition is not required as research revealed access is available through a Right of Way under a previous consent for the adjoining property. Contributions will be redirected to enhanced upgrade of RM Campbell Reserve and embellishing the link to the reserve from the city centre along Jacobs Street.
- Amend item OS88A (Park embellishments) to include reference to the suburbs in which the affected parks are located.
- Amend item OS91 (Wiley Park, Wiley Park), to delete reference to playground works as these works are funded through item OS108.
- Expand the description of item CC4 (library book stock) to include other library user-related resources including other media (CDs, DVDs), technology (such as computers) and additional furniture (such as desks and shelves).
- Include explanatory footnotes beneath the Infrastructure Schedule at Appendix B to explain the difference between the 'total cost of works' (which may be funded by multiple sources including grants) and the 'cost allocated to development in the Plan' (which is the cost apportioned to the demand for the facility arising from new development).

6. Update the Infrastructure Schedule Map to reflect changes since the commencement of the Plan

The Infrastructure Schedule Map identifies the location of infrastructure items funded by the contributions plan through icons on the map. Key amendments to the map are:

- Amend the icons on the map and associated notes to reflect the revised numbering of infrastructure items in the Infrastructure Schedule to align with item 5 above.
- Amend the map to accurately identify the location of Rosemont Street North and Rosemont Street South.

Should Council adopt the changes, the amended Plan will apply to currently lodged and future development applications and complying development applications. The amended Plan is intended to incorporate a Table at its commencement outlining when the amendment took effect and applications that it will apply to. These changes do not alter the contributions amount or the value of the works schedule.

### **Next Steps**

Should Council resolve to exhibit the draft amendments, the next steps are:

- Public exhibition of the proposed amendments for 28 days, in accordance with the requirements of Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021.
- Following exhibition, this matter will be reported back to Council with an assessment of any submissions received.