

## ATTACHMENT B: DRAFT AMENDMENTS TO THE CANTERBURY-BANKSTOWN LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2022

Existing Plan – Issue	Draft Amendment
<b>Clause 1.3 identifies eleven development types that are exempt from paying contributions, subject to certain criteria. The draft amendments propose to make the exemption provisions clearer. The draft amendments do not change the policy intent of this clause.</b>	
<p><u>Issue 1: Uncertain if Council will exempt development types from paying contributions</u></p> <p>The policy intent of this clause (page 14) is to identify the development types that Council has decided are exempt from paying contributions. Examples include:</p> <ul style="list-style-type: none"> <li>• short term or emergency accommodation by a community service organisation,</li> <li>• rebuilding or repair of damage resulting from declared natural disasters,</li> <li>• environmental facilities and environmental protection works,</li> <li>• affordable housing carried out by or on behalf of a registered social housing provider,</li> <li>• minor alterations and additions to existing dwelling houses where any increase of floor area is less than 10%.</li> </ul> <p>The issue is the existing wording is unclear as to whether all development types listed in the clause are exempt. The existing wording indicates that Council <u>may consider</u> exempting certain development types. It is proposed to remove this wording to avoid any confusion.</p>	<p><u>Amendment 1: Confirm certain development is exempt from paying contributions</u></p> <p>Make the existing exemption provisions clearer by amending the clause to read:</p> <p><i>The following developments are exempted from contributions under this Plan:</i></p> <ul style="list-style-type: none"> <li>• Any development exempted by Minister Directions under section 7.17 of the Environmental Planning and Assessment Act 1979. <i>link to relevant contributions Exempt Directions for CB City as of 04.07.22</i></li> <li>• Infrastructure funded by section 7.11 contributions and section 7.12 levies;</li> <li>• Any other development or development costs in relation to section 7.12 levies exempted under clause 208 of the Environmental Planning and Regulation 2021;</li> <li>• Applications submitted by Council; and</li> <li>• Applications submitted on behalf of the Council for the provision of public infrastructure.</li> </ul> <p><del>Council may also consider exempting the following developments, or components of development:</del></p>
<p><u>Issue 2: Does not describe the required information to satisfy exemption criteria</u></p> <p>The policy intent of this clause (page 14) is to exempt the ‘<i>rebuilding or repair of damage resulting from declared natural disasters (such as flooding, storm or bushfires) by the NSW Government</i>’ from paying contributions, subject to certain criteria.</p>	<p><u>Amendment 2: Describe the exemption information required to be provided</u></p> <p>Make the existing exemption provisions clearer by amending the criteria to read:</p> <p><i>Rebuilding or repair of damage resulting from <b>NSW Government</b>-declared natural disasters (such as flooding, storm or bushfires) <del>by the NSW Government</del>, <b>where written evidence is provided that:</b></i></p>

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<p>The issue is this clause does not describe the information that is required to satisfy the criteria. There is a need to provide clarity to make it easier for Council or registered certifiers to decide whether the proposal satisfies the criteria to be exempt from contributions.</p>	<ul style="list-style-type: none"> <li>• <i>the site is within a declared natural disaster area, and</i></li> <li>• <i>either the NSW or Commonwealth Government has provided the owner of the site with financial assistance due to property damage, or</i></li> <li>• <i>evidence is provided that rebuilding or repair is required due to the disaster damage (e.g. successful insurance claim) <a href="https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations">https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations</a></i></li> </ul>
<p><u>Issue 3: Does not describe the process to seek an exemption or how it applies to complying development</u></p> <p>This clause (page 15) identifies the development types that are exempt from paying contributions. The policy intent is to apply this clause to development applications and complying development.</p> <p>The issue is this clause is unclear on whether the content applies to all development (i.e. including complying development) or only to development applications.</p> <p>It is also unclear if Council or registered certifiers would be required to authorise exemption from contributions. Requiring Council to authorise exemption from contributions for complying development is inconsistent with the intention of the Plan and the principles underpinning complying development. The Environmental Planning and Assessment Regulation 2021 and the Plan (clause 3.6) requires registered certifiers to determine the amount of contributions to be paid for complying development as required by the Plan.</p> <p>There is a need to clarify the wording to align with the policy intent of the Plan.</p>	<p><u>Amendment 3: Describe the process to seek an exemption and how it applies to complying development</u></p> <p>Make the existing exemption provisions clearer by amending the final paragraph to read:</p> <p><del>Applicants seeking an exemption must state how their development is consistent with the relevant exemption in their development application and provide any relevant justification. If Council is satisfied the development is consistent with the relevant exemption, it will exclude the development from payment of a contribution.</del> <i>Complying developments and development applications seeking an exemption must provide written information describing how the development complies with the exemption provisions related to the proposal. For example, this may require:</i></p> <ul style="list-style-type: none"> <li>• <i>calculations on the amount and percentage increase of additional residential floorspace to demonstrate it is less than a 10% increase, or</i></li> <li>• <i>for short term emergency accommodation, details on the community service organisation providing the service, length of occupant stay and endorsement of the project's tax deductibility, or</i></li> <li>• <i>information demonstrating satisfaction of the affordable housing operation provisions.</i></li> </ul> <p><i>Determination of whether the development is exempt from contributions will be made by:</i></p>

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	<ul style="list-style-type: none"> <li>the registered certifier for complying development, or</li> <li>Council officer or the relevant consent authority for development applications, after the registered certifier, Council officer or relevant consent authority has assessed the application's exemption request against the Plan requirements.</li> </ul>				
<b>Clause 1.4 describes whether section 7.11 or section 7.12 contributions apply to new residential development. The draft amendment proposes to make the explanation clearer. The draft amendment does not change the policy intent of this clause.</b>					
<p><u>Issue 4: Does not describe the type of contribution that would apply to dwelling houses erected over multiple lots</u></p> <p>This clause (page 16) shows examples of common development types and the type of contribution that would apply.</p> <p>The issue is this clause does not describe the type of contribution that would apply to dwelling houses erected over multiple lots. The absence of this detail has led to uncertainty regarding whether s7.11 or s7.12 contributions apply.</p>	<p><u>Amendment 4: Describe the type of contribution that would apply to dwelling houses erected over multiple lots</u></p> <p>Make Table 4 clearer by adding the following row to read:</p> <table border="1"> <thead> <tr> <th>Development</th><th>Contribution type that applies</th></tr> </thead> <tbody> <tr> <td><i>Dwelling houses over multiple lots</i></td><td><i>Refer to clause 2.1, Table 5 and Note 1 on "infrastructure demand credits" in that clause</i></td></tr> </tbody> </table>	Development	Contribution type that applies	<i>Dwelling houses over multiple lots</i>	<i>Refer to clause 2.1, Table 5 and Note 1 on "infrastructure demand credits" in that clause</i>
Development	Contribution type that applies				
<i>Dwelling houses over multiple lots</i>	<i>Refer to clause 2.1, Table 5 and Note 1 on "infrastructure demand credits" in that clause</i>				
<b>Clause 4.3 describes how applicants can pay their contributions. The draft amendment proposes to make the explanation clearer in relation to credit card surcharges. The draft amendment does not change the policy intent of this clause.</b>					
Existing Plan – Issue	Draft Amendment				
<p><u>Issue 5: Does not inform applicants of the credit card surcharge</u></p> <p>This clause (page 27) indicates that contributions may be paid by EFTPOS (debit and credit card only).</p> <p>The issue is this clause does not inform applicants that a credit card surcharge of 0.62% applies to credit card payments. Council's Customer Service Team has requested that reference to the 0.62% surcharge be included in the Plan, based on feedback from applicants.</p>	<p><u>Amendment 5: Reference the surcharge</u></p> <p>Make the existing provision clearer by adding a sentence at the end of the second paragraph to read:</p> <p><i>Contributions may be paid by EFTPOS (debit and credit card only), cash, or bank cheques made payable to Canterbury-Bankstown Council. Personal and company cheques are not accepted. A surcharge fee of 0.62 per cent of the value of the payment applies to payments made through credit cards.</i></p>				

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<p><b>Clauses 4.5 describes alternatives to monetary contributions. The draft amendment proposes to make the explanation clearer. The draft amendment does not change the policy intent of this clause.</b></p>	
<p><u>Issue 6: Unclear whether alternatives to monetary contributions ‘will only’ or ‘will generally only’ be accepted for items in the Infrastructure Schedule</u></p> <p>Clauses 4.5.1 (page 27) and 4.5.2 (page 28) allow Council to accept alternatives (such as works-in-kind or land dedication) to monetary contributions if the alternatives relate to infrastructure items identified in the Infrastructure Schedule.</p> <p>Clause 4.5.1 describes that alternatives to monetary contributions <u>will only</u> be accepted for infrastructure items identified in the Infrastructure Schedule. The issue is clause 4.5.2 uses different wording, which has caused some confusion for staff and applicants in development negotiations. It reads ‘Council <u>will generally only</u> accept offers for items in the Plan’s works schedule’. There is a need to clarify the wording to align with the policy intent of this clause.</p>	<p><u>Amendment 6: Amend the wording to read monetary contributions ‘will only’ be accepted for items in the Infrastructure Schedule</u></p> <p>Make the existing provision clearer by amending the criteria in clause 4.5.2 to read:</p> <p><i>Council will <del>generally</del> only accept offers of works or land that are items included in the schedule of local infrastructure in this Plan.</i></p>
<p><b>Clause 5.8 provides the criteria to consider contributions credits. The draft amendment proposes to make the criteria provisions clearer. The draft amendment does not change the policy intent of this clause.</b></p>	
<p><u>Issue 7: Criteria requires update and does not describe how it applies to complying development</u></p> <p>This clause (page 32) describes when contributions credits may be considered for works that have not physically commenced. For example, an applicant surrenders an existing residential development consent. The contributions may be credited to a new residential development consent.</p> <p>One of the criteria permits credits if ‘<i>the monetary contributions paid under the original development consent have not been allocated or spent</i>’. The issue is if development has not</p>	<p><u>Amendment 7: Update the criteria and how it applies to complying development</u></p> <p>Make the existing provision clearer by amending clause 5.8 to read:</p> <p><i><del>Where</del> If a monetary development contributions <del>have been</del> was paid under a development consent, Council, the consent authority or registered certifier will consider granting may grant a credit against a monetary contribution which Council could otherwise required to be paid under a condition of a later development consent, provided that:</i></p>

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<p>progressed and is to be replaced by a later, similar proposal, the facilities funded by the contributions are for the same demand and therefore no net loss of contributions income to meet that demand has arisen. It is proposed to remove this requirement to make the criteria more reasonable.</p> <p>It is also proposed to clarify that determining acceptability of credit transfer rests with the authority responsible for determining the application (e.g. Council, a consent authority or for complying development, registered certifier).</p>	<p><i>(a) The applicant for the original development consent and the later development consent are the same;</i>  <i>(b) The applicant <del>for the later development consent</del> has requested <b>in writing</b> that Council, <b>the consent authority or the registered certifier</b> apply a credit <b>before</b> <del>pursuant to this clause prior to the grant of the later development consent is determined</del>;</i>  <i>(c) No works have physically commenced that result in gross floor area on the site;</i>  <i>(d) The original development consent has been surrendered and has not lapsed;</i>  <i>(e) <del>The monetary contributions paid under the original development consent have not been allocated or spent;</del></i>  <i>(f) The purposes for which the monetary contributions were paid under the original development consent are the same as the purposes for which monetary contributions could be required to be paid under the later development consent, subject to any repeal or amendment of the applicable contributions plan; and</i>  <i>(g) The later development consent contains a condition stating that the monetary contributions payable <del>under the later development consent</del> have been reduced as a result of the application of a credit for the monetary contributions paid under the original development consent in accordance with this clause.</i></p>
<p><b>The Infrastructure Schedule (Appendix B) describes the infrastructure items to be funded by contributions. The draft amendments propose to update the Infrastructure Schedule to reflect changes since the commencement of the Plan. The draft amendments do not change the policy intent of the schedule.</b></p>	
<p><u>Issue 8: Item does not exist</u></p> <p>Item OS9 (page 38) – The Works Schedule describes this work as ‘deleted’.</p>	<p><u>Amendment 8: Remove item from Works Schedule</u></p> <p>Remove OS9 and renumber the remaining works in the Infrastructure Schedule accordingly.</p>
<p><u>Issue 9: Land acquisition has been replaced with a right-of-way</u></p>	<p><u>Amendment 9: Redirect allocated funding to embellish RM Campbell Reserve, referencing the right-of-way</u></p>

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<p>Item OS61 (page 42) – The Works Schedule proposes land acquisition (56m<sup>2</sup>) at 15–25 Jacobs Street, Bankstown to improve pedestrian access to RM Campbell Reserve.</p> <p>The issue is a development consent at 15–25 Jacobs Street, Bankstown achieves the intended outcome by requiring a public right-of-way to enable a wider and more appealing link to the reserve. It is proposed to redirect the allocated funding to park embellishment works at RM Campbell Reserve. This amendment does not change the funding amount.</p>	<p>Replace the wording in the Infrastructure Schedule (column 3) to read:</p> <p><i>Improve the link between both halves of the Reserve, including lighting, new fencing bordering 15–25 Jacobs Street in the link section, landscaping and park furniture, and embellish the public domain along both sides of Jacob Street between the Reserve and Rickard Road.</i></p> <p>Replace the wording in the Infrastructure Schedule (column 4) to read:</p> <p><i>New park land embellishment of right-of-way parcel and street access improvements.</i></p>
<p><u>Issue 10: Park descriptions do not include suburb names</u></p> <p>Item OS88A (page 45) – The Works Schedule describes this work as park embellishments at various locations (e.g. Beaumont Park, Coolabah St Reserve), without identifying the affected suburbs. It is proposed to better identify the potential locations by adding suburb names.</p>	<p><u>Amendment 10: Add suburb names</u></p> <p>Amend the description in the Infrastructure Schedule (column 3) to include the suburb names as follows:</p> <p><i>Various other locations identified in Generic Plan of Management, including Beaumont Park, <b>Earlwood</b>, Coolabah St Reserve, <b>Beverly Hills</b>, Lambeth Reserve, <b>Picnic Point</b>, Maluga Passive Park, <b>Birrong</b>.</i></p> <p>Amend the numbering of the item from OS88A to OS88.</p>
<p><u>Issue 11: Items OS91 and OS108 duplicate the same work</u></p> <p>Item OS108 (page 47) – The Works Schedule describes this work as master plan works at Wiley Park, including a playground.</p> <p>The issue is Item OS91 duplicates the same playground work. It is proposed to delete the reference to ‘playground’ from Item OS108 and to redirect the allocated funding to other master plan works at Wiley Park. This amendment does not change the funding amount.</p>	<p><u>Amendment 11: Delete the word ‘playground’ from Item OS108</u></p> <p>Amend the description in the Infrastructure Schedule (column 3) to read:</p> <p><i>Implement high priority actions from the Wiley Park Masterplan <del>Playground</del>, including ponds <b>enhancement</b>, access/entry ways <b>and further embellishments</b></i></p>
<p><u>Issue 12: Funding for existing libraries is limited to book stock</u></p>	<p><u>Amendment 12: Amend description to include wider library collection</u></p>

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<p>Item CC4 (page 52) – The Works Schedule describes this work as providing additional books for a growing library community.</p> <p>The issue is the description does not reference the wider library collection (such as CDs, DVDs), furniture and IT equipment, to reflect the range of library resources used by the community and which will be impacted by additional demand from new development and its occupants.</p> <p>Additionally, it is proposed to amend the delivery timeframe from 2021–2026 to 2021–2036, to align with the lifespan of the Plan.</p>	<p>Amend the wording in the Infrastructure Schedule (columns 2 and 3) to read:</p> <table border="1"> <tr> <th>Item 1</th><th>Item 2</th></tr> <tr> <td><i>Library collection and supporting resources expansion</i></td><td><i>Provide additional library collection resources, including books, CDs, DVDs, computers and furniture for a growing library community, annual program over 15 years</i></td></tr> </table> <p>Amend the staging/timing in the Infrastructure Schedule (column 8) to read: 2021 – <del>2026</del> <b>2036</b></p>	Item 1	Item 2	<i>Library collection and supporting resources expansion</i>	<i>Provide additional library collection resources, including books, CDs, DVDs, computers and furniture for a growing library community, annual program over 15 years</i>
Item 1	Item 2				
<i>Library collection and supporting resources expansion</i>	<i>Provide additional library collection resources, including books, CDs, DVDs, computers and furniture for a growing library community, annual program over 15 years</i>				
<p><u>Issue 13: Explanation for ‘cost allocated to development in the Plan’ is incorrect</u></p> <p>The footnotes to the Infrastructure Schedule explain the terms ‘total cost rounded’ and ‘cost allocated to development in the Plan’ in more detail.</p> <p>The issue is the reference to grants or general revenue is relevant to ‘total cost rounded’, not ‘cost allocated to development in the Plan’. It is proposed to correct the footnotes.</p>	<p><u>Amendment 13: Correct the explanation</u></p> <p>Amend the footnotes to the Infrastructure Schedule to read:</p> <p><b><i>Total cost rounded</i></b> is the value of the entire infrastructure item project, which in the case of some items, may be delivered in several stages, extend beyond the life of the Plan and be funded by multiple sources, <b><i>such as grants or general revenue.</i></b></p> <p><b><i>Cost allocated to development in the Plan</i></b> refers to that component of the ‘Total cost rounded’ amount which is funded by contributions collected under the Plan over its life <del>and any other sources (e.g. grants, general revenue)</del> <b><i>in accordance with</i></b> the cost apportioned to new development <del>for infrastructure items funded through contributions levied under the Plan</del> is detailed in Figure C4 of Appendix C of the Plan.</p>				
<p><u>Issue 14: Explanation for ‘costs allocated to works’ can be confusing</u></p> <p>The Infrastructure Schedule explains the ‘costs allocated to works.’</p> <p>The issue is the explanations can be confusing by referring to a total project cost, a cost allocated within that total to the Plan and then</p>	<p><u>Amendment 14: Simplify the explanation</u></p> <p>Amend the explanations in the Infrastructure Schedule (column 6) for the following items:</p> <table border="1"> <tr> <th>Reference</th><th>Cost allocated to development in the Plan</th></tr> <tr> <td></td><td></td></tr> </table>	Reference	Cost allocated to development in the Plan		
Reference	Cost allocated to development in the Plan				



Existing Plan – Issue	Draft Amendment	
<p>requiring the reader to check Appendix C for the cost apportioned to new development and paid by contributions.</p> <p>It is proposed to simplify the content by describing only the value of works apportioned to development under the Plan. This amendment will affect the descriptions of 11 items in the Infrastructure Schedule:</p> <ul style="list-style-type: none"><li>• 4 x open space items</li><li>• 4 x access and public domain works</li><li>• 3 x community and cultural facilities.</li></ul> <p>This change does not change the funding amounts.</p>	OS19 (now renumbered as OS18)	\$7,015,000
	OS20 (now renumbered as OS19)	\$10,340,800
	OS40 (now renumbered as OS39)	\$12,742,000
	OS62 (now renumbered as OS61)	\$4,370,000
	AP8	\$1,840,000
	AP9	\$25,300
	AP14	\$5,455,600
	CC1	\$1,150,000
	CC2	\$920,000
<p><b>The Infrastructure Schedule Map indicates the location of the infrastructure items to be funded by contributions. The draft amendment proposes to update the map to reflect changes since the commencement of the Plan. The draft amendment does not change the policy intent of the Infrastructure Schedule.</b></p>		
<p><u>Issue 15: The numerical sequence of the map icons does not match the Infrastructure Schedule</u></p> <p>The Infrastructure Schedule Map (page 54) identifies the location of infrastructure items funded by contributions.</p> <p>Following the deletion of Item OS9 (refer to Issue 8), there is the need to update the numerical sequence of the map icons to match the Infrastructure Schedule.</p>	<p><u>Amendment 15: Update the map</u></p> <p>Amend the map icons to reflect the updated open space infrastructure schedule item numbers identified in the Infrastructure Schedule.</p> <p>Update the ‘Note’ at the base of the map, which references the infrastructure icon numbers, to reflect the new numbering.</p> <p>Correct the street identification for Rosemont Street North and Rosemont Street South, Punchbowl to accurately identify the street names.</p>	
<p><b>Figure C4 provides background information to the calculation of s7.11 contribution rates. The draft amendment proposes to correct a wording error. The draft amendment does not change the policy intent of the Plan.</b></p>		
<p><u>Issue 16: Figure C4 makes incorrect references</u></p> <p>The issue is the apportionment formula (page 85) incorrectly refers to Figure C7 rather than Figure C4 in the first reference and Table C5 in the second reference.</p>	<p><u>Amendment 16: Correct the references</u></p> <p>Amend the formula legend in Figure C4 by replacing the reference to ‘Figure C7’ with:</p> <p><i>AR Catchment – is the percentage of the cost of each infrastructure item to be paid by the</i></p>	



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<p>As Figure C7 does not exist, the draft change will accurately identify the relevant references to apportionment in the Plan.</p>	<p><i>resident population growth in the catchment for that item (refer Figure C4 – Apportionment by Infrastructure Subcategory)</i></p> <p><i>ΔP Catchment – is the expected growth in resident population in the catchment between 2021 and 2036 (refer to Table C5 for catchment growth figures).</i></p>