



# BUSINESS PAPER

## ORDINARY MEETING

### LATE REPORT

Thursday 18 May 2023  
1:30pm  
Council Chambers

#### **COUNCIL'S VISION**

To build and maintain sustainable communities while retaining the region's natural beauty.

#### **COUNCIL'S MISSION**

To provide services and facilities to enhance the quality of life and economic viability within the Council area.

#### **COUNCIL'S AIMS**

To perform services in a cost efficient, effective and friendly manner in order to achieve Council's Mission in meeting the annual objectives and performance targets of the principal activities Council undertakes on behalf of the community.

## **NOTICE OF MEETING**

16 May 2023

### **Councillors**

Dear Members,

### **Ordinary Meeting of Council – Late report**

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 18 May 2023** in the **Council Chambers** commencing at **1:30pm**.

Your presence is requested.

Yours faithfully



Alex Waldron  
Acting General Manager  
**Upper Lachlan Shire Council**

**SUPPLEMENTARY AGENDA**

**ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Traditional Custodians of this Land. I would also like to pay respect to the Elders past and present, of the Wiradjuri Nation, and extend that respect to other Aboriginals present.

**14 LATE REPORTS ..... 3**

15.1 DA 164/2022 - Centre based childcare review of Section 7.11 and  
Section 64 Contributions. 4

## **15 LATE REPORTS**

The following item is submitted for consideration -

- |      |   |   |
|------|---|---|
| 15.1 | DA 164/2022 - Centre based childcare review of Section 7.11 and Section 64 Contributions. | 4 |
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## Environment and Planning - 18 May 2023

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**ITEM 15.1**                      **DA 164/2022 - Centre based childcare review of Section 7.11 and Section 64 Contributions.**

**FILE REFERENCE**    **I23/149**

**AUTHOR**                      **Acting Director of Environment and Planning**

### **ISSUE**

This report requests that Council consider providing support for the proposed childcare facility, being classified as a 'community service' by reviewing the Section 7.11 and Section 64 contributions based on the development being undertaken within an existing building.

**RECOMMENDATION**      That –

1. Council provide support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 by reviewing the contribution.

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### **BACKGROUND**

Council received a development application (DA164/2022) for a childcare facility at Lot 2 DP1061458, Goulburn Street, Crookwell, which when constructed will cater for an addition 36 placements.

The application was assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* with the application being recommended for approval as a deferred commencement. The approval will require the applicant to supply additional outstanding information to ensure that the development meets the legislative requirements.

Incorporated in the assessment process was the requirement for Council to consider the applicable Section 7.11 Developer Contributions and Section 64 (Water & Sewer) contributions in accordance with Council's contribution plans.

Developer contributions are payments made by developers to Council for the provision of public infrastructure. The contributions allow Council to provide public amenities and services to meet the increased demands created by the new development.

Development contributions and their implementation are provided for under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000* and Section 64 of the *Local Government Act 1993*.

**Environment and Planning**

**DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS. cont'd**

In determining the relevant contributions in line with the relevant Plans the following contribution would be required to be levied on the development consent and paid by the developer;

- Section 7.11 Contributions (Road only): \$125,478.85;
- Section 64 (Water): \$12,307.20; and
- Section 64 (Sewer): \$21,544.00.

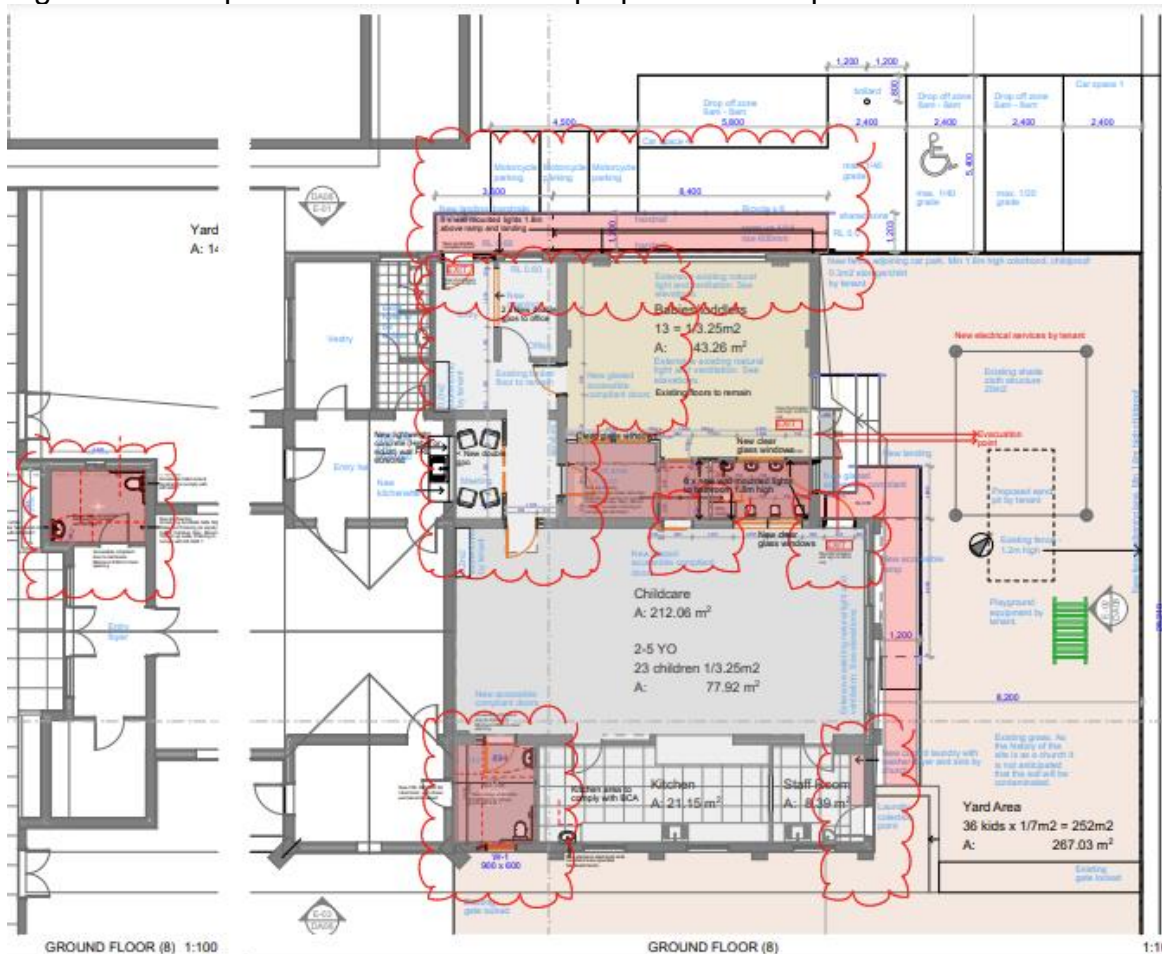
Based on the need and significant public benefit of a new childcare facility within Crookwell, Council is requested to determine whether there is an opportunity to support/contribute to this development by reviewing the contribution.

**REPORT**

The development for the childcare centre is to be operated from a hall attached to the rear of the Uniting Church. All buildings are existing and to enable the development to proceed only minor alterations are to be undertaken, which include internal works and the installation of new doors, ramps or similar to the external facades.

Figure 1 provides Council an understanding of the extent of the proposed works

Figure 1: Floor plan associated with the proposed development.



## ***Environment and Planning***

### **DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS. cont'd**

The Department of Education have completed internal assessments based on the 2021 census data and as such have listed Crookwell as a high priority community with respect to the provision of childcare services. The proposed development if it were to proceed will cater for 36 positions, which has the potential to provide the following community benefits;

- employment opportunities;
- retaining families within the community;
- retaining family members employed within the community;
- allow parents to return to work;
- encourage a sense of belonging for families;
- promote collaboration and information sharing with other family services and support organisations; and
- facilitate targeted support for families.

The assessment of the application was completed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, with consideration being given to the following Council development contribution plans;

- Section 94 (7.11) Development Contribution Plan 2007.

Based on the proposed development being classified as 'commercial' the only essential work category that would be applicable to the development as per Council's contribution plan would be that of 'roads'.

The contribution amount calculated in accordance with the contribution plan for roads was \$125,478.85.

Through the assessment and approval process, the developer will be required to construct the car parking adjacent to the site to ensure compliance with the relevant planning legislation

The development will also create additional traffic movements that will utilise the western end of Robertson Lane to access the site thus impacting upon this section of road (approximately 75m in length).

- Section 64 (Water and Sewer) Contributions Plan 2008

Section 64 contributions are levied under the *Local Government Act 1993* towards water and sewer infrastructure.

The contribution amount calculated in accordance with the contribution plan for was \$12,307.20 and \$21,544.00 for water and sewer respectively.

The proposed development will utilise the existing building and as such, there will be no requirement to alter Council's water and sewer reticulation system.

## ***Environment and Planning***

### **DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS. cont'd**

The proposed development will result in the installation of an additional four (4) toilets, three for the infants and one for staff.

In accordance with Council's Section 7.11 Contribution Plan, there is the opportunity for a developer to negotiate a material public benefit, works in kind, or dedication of land in lieu of paying the monetary contribution required under this plan, however, the developer must also pay Council's reasonable costs for the management of this contributions plan and its elements.

At the time of writing, relevant legislation and guidelines for the Contribution Planning Process - as it applies to works in kind and Material Public Benefits - are contained in the "Development Contribution Practice Notes – January 2019" issued by the Department of Planning and Environment. The NSW Planning & Environment Practice Note (January 2019) defines 'community services' as

*'A building or place*

- *Owned or controlled by a public authority or non-profit community organisation;*
- *And used for the physical, social, cultural or intellectual development or welfare of the community; but does not include an educational establishment, hospital, retail premises, public place of worship or residential accommodation.*

*These may include (but are not limited to):*

- *Community centre/halls*
- *Libraries;*
- *Neighbourhood centres;*
- *Youth centres;*
- *Aged person facilities;*
- *Childcare facilities;*
- *Public art gallery; and*
- *Performing arts centres.'*

Based on Council's contribution plans and the proposed development being captured under the definition of 'community services', Council has the opportunity to support the project through reviewing the contributions.

If the Council were to assess an application for the hall component of the existing church in which the childcare facility would occupy the Section 7.11 and Section 64 (water and sewer) would be greater than that calculated for the childcare facility. Council's Section 7.11 Contributions Plan does permit a credit to be provided, where existing land uses exist.



## ***Environment and Planning***

### **DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS. cont'd**

#### **POLICY IMPACT**

Through supporting the project, based on it being a community service and of public benefit, it would alter the means in which Council's Section 94 (7.11) and Section 64 (Water & Sewer) Plans are applied.

#### **OPTIONS**

<b>Options</b>	<b>Pros</b>	<b>Cons</b>
Apply 100% of the contribution	<ul style="list-style-type: none"><li>- Provides additional funds to assist in maintaining existing infrastructure</li><li>- Ensures consistency</li><li>- Reduces potential for developers requesting same for future developments.</li></ul>	<ul style="list-style-type: none"><li>- May impact on the viability of the development</li><li>- Potential loss of a 'high priority' service for the community</li><li>- Loss of jobs</li><li>- Loss of community members</li><li>- Loss of income</li></ul>
Apply a portion of the contribution	<ul style="list-style-type: none"><li>- Permits the development to proceed, whilst also enabling council to manage the impact of the development</li></ul>	<ul style="list-style-type: none"><li>- Partial loss of income.</li></ul>
Support the project through negating the need to levy the contributions	<ul style="list-style-type: none"><li>- Development proceeds</li><li>- Employment opportunities</li><li>- Provision of a 'high priority' service to the community'</li><li>- Maintains families within the community</li></ul>	<ul style="list-style-type: none"><li>- Loss of income</li><li>- Impact on funds to upgrade / maintain infrastructure.</li></ul>

#### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Based on the options listed the following comments are provided:

- If Council levies 100% of the contributions, there will be no direct financial impact.
- If Council supports the project by levying a portion of the contributions there will be a minor financial impact; or
- If Council supports/contributes to the project by negating the levying of the contributions, there will be a reduction in income received by Council.

***Environment and Planning***

**DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS. cont'd**

**RECOMMENDATION**      That –

1. Council provide support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 by reviewing the contribution.

**ATTACHMENTS**

Nil