



Coffs Harbour City Council

16 April 2013

ORDINARY MEETING

The above meeting will be held in the Council Chamber, Administration Building, corner Coff and Castle Streets, Coffs Harbour, on:

WEDNESDAY -24 APRIL 2013

The meeting commences at **5.00pm** and your attendance is requested.

AGENDA

1. Opening of Ordinary Meeting
2. Acknowledgment of Country
3. Disclosure of Interest
4. Apologies
5. Public Addresses / Public Forum
6. Mayoral Minute
7. Mayoral Actions under Delegated Authority
8. [Confirmation of Minutes of Ordinary Meeting – 11 April 2013](#)
9. Notices of Motion
10. [General Manager's Reports](#)
11. [Consideration of Officers' Reports](#)
12. Requests for Leave of Absence
13. Matters of an Urgent Nature
14. Questions On Notice
15. Consideration of Confidential Items (if any)
16. Close of Ordinary Meeting.

Steve McGrath
General Manager



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
24 APRIL 2013

Contents

ITEM DESCRIPTION

GENERAL MANAGER'S REPORTS

GM13/12 LOCAL GOVERNMENT ACTS TASKFORCE - RELEASE OF DISCUSSION PAPER

CITY SERVICES DEPARTMENT REPORTS

CS13/22 COFFS COAST CYCLE CHALLENGE MARKETING AND PROMOTION - VISIT TO LAKE TAUPO NZ BIKEFEST

CS13/23 BOAMBEE PUBLIC SCHOOL ZONE, LINDSAYS ROAD, MIDDLE BOAMBEE

CS13/24 ADDITIONAL INFORMATION FOR NEW TENDER FOR SPORTZ CENTRAL

CS13/25 ARTSIDE THE BOX PROJECT

CORPORATE BUSINESS DEPARTMENT REPORTS

CB13/27 DEVELOPER CONTRIBUTION PLANS - REVIEW

CB13/28 REVERSE AUCTION: SUPPLY OF ELECTRICITY FOR METERED SITES AND STREET LIGHTING



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

11 April 2013

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer and S Townley

Staff: General Manager, Acting Director Corporate Business, Director City Services, Director Land Use, Health & Development and Executive Assistant.

The meeting commenced at 5.00 pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbayngirr Country and the Gumbayngirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present

The Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

DISCLOSURES OF INTEREST

The General Manager read the following disclosure of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Innes	NOM13/5 - City Wide LEP - B6 Enterprise Corridor	Pecuniary - as wife owns two businesses in close proximity to a corridor

APOLOGY

82 **RESOLVED** (Arkan/Degens) that an apology received from Councillor Sultana for unavoidable absence be received and accepted.

83 **RESOLVED** (Townley/Innes) that leave of absence as requested from Councillor Rhoades be approved.

ORDINARY MEETING

11 APRIL 2013

PUBLIC FORUM

Time	Speaker	Item
5.00pm	Faye Urquhart	Environmental Protection habitat at Pines Estate, Woolgoolga

CONFIRMATION AND ADOPTION OF MINUTES

- 84** **RESOLVED** (Innes/Townley) that the minutes of the Ordinary meeting held on 27 March 2013 be confirmed as a true and correct record of proceedings.

Cr Innes declared an interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 5.08 pm.

NOTICES OF MOTION

NOM13/5 CITY WIDE LEP - B6 ENTERPRISE CORRIDOR

- 85** **RESOLVED** (Degens/Cowling) that:

The following letter be sent to the Minister for Planning for his consideration and action with respect to the Coffs Harbour City LEP.

Letter to the Minister for Planning:

The City Wide LEP was formally adopted by Council last year in December, approximately three months into the electoral term. Subsequent to the adoption of the City Wide LEP on 13 December 2012 a majority of elected councillors have agreed that certain aspects of the adopted LEP should be amended prior to its approval by the Minister and subsequent gazettal. However the legislation under which the LEP was made has no provision for Council to withdraw the LEP, make the changes and resubmit the LEP. The power to make changes now rests solely with the Minister.

Coffs Harbour City Council therefore respectfully requests that the Minister exercise his powers under the Planning Act to make the changes to the Coffs Harbour City Wide LEP, adopted by council on 13 December 2012 (and subsequently sent to the Department for approval by the minister and gazettal) prior to its approval and gazettal.

Cont'd

NOM13/5 City Wide Lep - B6 Enterprise Corridor ...(Cont'd)

The preferred adjustment to the Coffs Harbour Local Environment Plan is:

That the B6 business zone which currently has a restriction of 150m² maximum floor space for business and office premises be raised to 600m² for all of the land zoned B6 in Coffs Harbour under the City Wide LEP adopted 13 December 2012

Regards

Steve McGrath
General Manager of CHCC

Denise Knight
Mayor Coffs Harbour City Council

Cr Innes returned to the meeting, the time being 5.20pm.

GENERAL MANAGER'S REPORT

GM13/10 INTEGRATED PLANNING AND REPORTING FRAMEWORK FOR THE PERIOD 2013/2014 TO 2016/2017

MOTION

86 MOVED (Cowling/Townley) that:

1. Accept the following documents for public exhibition:
 - 1.1 Draft reviewed Coffs Harbour 2030 Community Strategic Plan
 - 1.2 Draft 2013/2017 Delivery Program;
 - 1.3 Draft 2013/2017 Operational Plan;
 - 1.4 Draft Program Budgets 2013/2017 with the following amounts being reduced from the following departments:

1.4.1 Coffs Coast Marketing	\$126,307
1.4.2 Sports Development	\$100,000
1.4.3 Economic Department	\$200,000

That the following amount be added:

1.4.4 Sustainability Program	\$60,000
------------------------------	----------
 - 1.5 Draft 2013/2014 Fees and Charges with one change to the Museum Fees being increased to Single entry fee \$5 and Family \$15;
 - 1.6 Reviewed Coffs Harbour City Council Resourcing Strategy; and
 - 1.7 That all the above programs reflect the above changes.
 2. Note that the draft documents will be placed on public exhibition for a 28-day period from Friday 12 April 2013 until close of business on Friday, 10 May 2013, and that the community will be encouraged to provide feedback on the documents during that time.
 3. Consider community submissions prior to adopting the final suite of Integrated Planning and Reporting documents by 31 May 2013.
 4. Note that the Draft 2013/2014 Budget is based on a projected balanced result.
-

MOTION

- 87 **MOVED** (Degens/Townley) that item GM13/11 be deferred to closed meeting for confidential discussion.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB13/23 BANK BALANCES AND INVESTMENT FOR FEBRUARY 2013

To list Council's Bank Balances and Investments as at 28 February 2013.

- 88 **RESOLVED** (Palmer/Innes) that:
1. The bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and seventy four million, three hundred and fifty eight thousand, six hundred and eighty four dollars (\$174,358,684) as at 28 February 2013 be noted.
 2. The general fund unrestricted cash and investments totaling one million, eight hundred and eighty four thousand, five hundred and ninety four dollars (\$1,884,594) as at 28 February 2013 be noted.

CB13/24 MONTHLY BUDGET REVIEW FOR FEBRUARY 2013

To report on the estimated budget position as at 28 February 2013.

- 89 **RESOLVED** (Innes/Townley) that:
That the budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 28 February 2013:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 24 May 2012	308,365 (D)	4,397,830 (D)	3,542,337 (D)
Approved Variations to 31 January 2013	(23,141) (S)	(554,150) (S)	(686,556) (S)
Recommended variations for February 2013	(80,000) (S)	Nil	Nil
Estimated result as at 28 February 2013	<u>205,224 (D)</u>	<u>3,843,680 (D)</u>	<u>2,855,781 (D)</u>

CB13/25 ASSIGNMENT OF LEASE - CONSENT TO ASSIGNMENT OF LEASE, KIOSK A, CITY SQUARE, COFFS HARBOUR

Seeking Council's consent to the assignment of the lease for Kiosk A in the City Square and more particularly described as Lot 13 in Deposited Plan 1031722 and for the execution of a Deed of Assignment of lease and ancillary documents under the Common Seal of Council.

90 RESOLVED (Arkan/Innes) that:

1. The Council as registered proprietor of Kiosk A being Lot 13 in DP 1031722 (the demised premises) consent to the assignment of registered lease AE670508 subject to the provisions of the lease agreement and the terms and conditions contained in this report.
2. Any necessary documents required to give effect to the assignment of registered lease AE670508 of Kiosk A being Lot 13 in DP 1031722 be executed under the common seal of Council.

CB13/26 TENDER RFT-572-TO: COFFS HARBOUR REGIONAL AIRPORT - RUNWAY ASPHALT RESHEETING

To report on tenders received for Contract RFT-572-TO, for the asphalt overlay of the main runway at the Coffs Harbour Regional Airport, and to gain Council approval to accept a tender.

91 RESOLVED (Innes/Degens) that:

1. Council accept the tender of Fulton Hogan Industries Pty Ltd, ABN 54 00 538 689 for the amount of \$7,382,884.30 inclusive of GST on the basis that:
 - a) The tender is the most advantageous to Council.
 - b) The tenderer has the necessary experience in similar works and its ability and performance are satisfactory.
 - c) The tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.
3. Council authorise the allocation of \$500,000 from the Airport Reserve Funds for the project.
4. Council authorise a short term, up to one year, internal loan of \$500,000 from ELE Reserve Funds for the project, to be repaid from Airport revenue.

CITY SERVICES DEPARTMENT REPORTS

CS13/20 NIGHTRIDER SERVICE - NORTHERN BEACHES

To report back to Council on the issues arising from implementing the resolution to Notice of Motion regarding the Nightrider Service to Northern Beaches

92 RESOLVED (Townley/Cowling) that:

1. Council allocate \$10,000 to be allocated to the Northern Beaches Nightrider Service in the 2013/2014 budget.
 2. The allocation previously made in the 2012/13 budget of \$10,000 for the Northern Beaches Nightrider Service be removed.
 3. Council note that this be a "free" service to patrons.
 4. Council note that staff will continue to investigate other funding options to offset lack of fares.
-

CS13/21 COMMITTEE MEMBERSHIP - BAYLDON COMMUNITY CENTRE AND SPORTZ CENTRAL

To recommend to Council appointment of community members to facility management committees.

93 RESOLVED (Arkan/Degens) that:

The following committee member nominations be appointed to the relevant committees:

- Bayldon Community Centre Management Committee
Mrs Shirley Mason
 - Sportz Central Management Committee
Mr Scott Goodhand
-

REQUESTS FOR LEAVE OF ABSENCE

94 RESOLVED (Arkan/Degens) that Cr Townley be granted leave of absence from Council for 24 April 2013.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

QUESTIONS ON NOTICE

No questions on notice.

CLOSED MEETING – SECTION 10(A)

The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda, the time was 5.56 pm.

- 95** **MOVED** (Degens/Palmer) that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

GM13/11 - Coffs Harbour City Council V Minister for Planning and Infrastructure and Ors - Advice Regarding Application for Special Leave to the High Court of Australia

This report was confidential for the reason of Section 10A(2) of the Local Government Act, 1993:

- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The **MOTION** on being put to the meeting was **CARRIED**.

The press and public vacated the chamber.

MOTION

- 96** **MOVED** (Townley/Arkan) to go into Committee of the Whole.

GM13/11 COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS ADVICE REGARDING APPLICATION FOR SPECIAL LEAVE TO THE HIGH COURT OF AUSTRALIA

To provide Councillors with the advice received from the Senior Counsel engaged by Sparke Helmore Lawyers, following resolution 78 of Council at the meeting on 27 March 2013.

- 97** **RECOMMENDED** (Degens/Arkan) that:

1. Council accepts the decision of the Court of Appeal and negotiates costs with the Respondents as detailed in the advice from Sparke Helmore Lawyers dated 18 March 2013 (provided as a confidential attachment to the report considered by Council at its meeting on the 27 March 2013);
2. Council consider a further report once further advice has been received from Sparke Helmore Lawyers regarding the processing of future development applications arising from the NSW Government Part 3a approved concept plan.
3. Council seek a second legal opinion, in relation to the matter raised in point 2 above, from an accredited environmental / planning law specialist solicitor from within Council's legal panel.

MOTION

- 98 **MOVED** (Townley/Palmer) out of Committee of the Whole.

OPEN MEETING

The Mayor requested an appropriate motion to enable the meeting to resolve into Open Meeting.

- 99 **RECOMMENDED** (Arkan/Degens) that the Council now move into Open Meeting.

- 100 **RESOLVED** (Degens/Arkan) to adopt the report of the Closed Meeting.

1. Council accepts the decision of the Court of Appeal and negotiates costs with the Respondents as detailed in the advice from Sparke Helmore Lawyers dated 18 March 2013 (provided as a confidential attachment to the report considered by Council at its meeting on the 27 March 2013);
2. Council consider a further report once further advice has been received from Sparke Helmore Lawyers regarding the processing of future development applications arising from the NSW Government Part 3a approved concept plan.
3. Council seek a second legal opinion, in relation to the matter raised in point 2 above, from an accredited environmental / planning law specialist solicitor from within Council's legal panel.

The Mayor read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 6.26 pm.

Confirmed: 24 April 2013

.....
Denise Knight
Mayor

LOCAL GOVERNMENT ACTS TASKFORCE - RELEASE OF DISCUSSION PAPER

Purpose:

To report to Council the progress of the Local Government Acts Taskforce.

Description of Item:

By circular dated 4 April 2013 (Attachment 1) the Acting Chief Executive, Local Government, a Division of the Department of Premier and Cabinet, has advised that the Local Government Acts Taskforce (LGAT) has released a discussion paper inviting submissions.

The discussion paper entitled: "*A New Local Government Act for NSW*" (Attachment 2) is attached to this report for Councillors' perusal.

Sustainability Assessment:

- **Environment**

It is believed that there are no environmental impacts as a result of the release of this Discussion Paper.

- **Social**

It is believed that there are no social impacts as a result of the release of this Discussion Paper.

- **Civic Leadership**

The aim of the State Government initiating the LGAT is to review the *Local Government Act 1993* to ensure that it remains an appropriate piece of legislation in today's contemporary society.

- **Economic**

Broader Economic Implications

At this stage it is not envisaged that there will be any major economic implications from the LGAT.

Delivery Program/Operational Plan Implications

There are no implications envisaged at this stage.

Consultation:

There has been no internal consultation on this matter thus far. Copies of the circular will be made available to the Leadership Team.

The circular from the Acting CEO of the Division of Local Government invites submissions and advises that the closing date for submissions is Friday, 28 June 2013.

Related Policy and / or Precedents:

Not applicable.

Statutory Requirements:

The Local Government Act Taskforce is specifically reviewing the *Local Government Act 1993*.

Issues:

The LGAT has now been conducting its review of the *Local Government Act 1993* since approximately August 2012 and this is the first discussion paper released by LGAT following a period of seeking open submissions.

It is anticipated that some of the outcomes of the Independent Local Government Review Panel will be referred to the LGAT to enable further changes to be made to the *Local Government Act 1993*.

Implementation Date / Priority:

Following the receipt of submissions through to 28 June 2013, it is anticipated that the final report of the LGAT will be referred to the Minister for Local Government by September 2013. The actual implementation of changes to the Local Government Act is not known at this time.

Recommendation:

That Council note the invitation of submissions and Councilors provide individual submissions to the Local Government Acts Taskforce should they desire.

Circular No. 13-13
Date 4 April 2013
Doc ID. A321326

Contact

LOCAL GOVERNMENT ACTS TASKFORCE – RELEASE OF DISCUSSION PAPER

Purpose

To announce the release of the Local Government Acts Taskforce (LGAT) Discussion Paper “*A New Local Government Act for NSW*”.

Issue

- The LGAT was established by the Minister for Local Government to review the *Local Government Act 1993* and the *City of Sydney Act 1988*.
- The LGAT has released its Discussion Paper “*A New Local Government Act for NSW*.” A copy of the paper is available on the [LGAT webpage](#) which can be accessed from www.dlg.nsw.gov.au
- The Discussion Paper outlines the deliberations of the LGAT on options and proposals for the principles of the new legislation. It contains a number of proposals for consideration and discussion.
- All interested organisations and persons are encouraged to make submissions commenting on the proposals contained in the Discussion Paper.
- Following the release of the Discussion Paper the LGAT is planning to hold a series of workshops at various locations across NSW open to any interested persons. Details of the workshops will be announced shortly.

Action

Councils are encouraged to read the Discussion Paper and make submissions to the LGAT. Details on how to make a submission can be found on the LGAT webpage. The closing date for submissions is **Friday 28 June 2013**.



Steve Orr
Acting Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

Division of Local Government
5 O’Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



LOCAL GOVERNMENT ACTS TASKFORCE

A NEW LOCAL GOVERNMENT ACT FOR NSW

DISCUSSION PAPER



4 April 2013

EXECUTIVE SUMMARY	3
CHAPTER I – BACKGROUND & INTRODUCTION	11
1.1 Background	11
1.2 Introduction to the Local Government Acts Taskforce Members	11
1.3 Approach and Principles for the Development of the New Act	13
1.4 Purpose of the Discussion Paper	14
1.5. Limitations of Scope	15
CHAPTER 2 – CONSULTATION OUTCOMES.....	17
2.1. Preliminary Ideas Paper Consultation.....	17
2.2. Summary of Ideas and Suggestions Received through Workshops and Written Submissions.....	17
CHAPTER 3 ELEMENTS OF A NEW LOCAL GOVERNMENT ACT	23
3.1.1 Purposes of the Local Government Act.....	24
3.1.2 Role and Principles of Local Government	24
3.1.3 Constitution of councils	26
Part II – Strategic Framework for Local Government in NSW	28
3.2.1 Integrated Planning and Reporting	28
3.2.2 Community Consultation and Engagement.....	30
3.2.3 Technology	31
Part III – Council Operations	34
Governance Framework.....	34
3.3.1 Elections	34
3.3.2 Meetings	36
3.3.3 Appointment and Management of Staff	37
3.3.4 Formation and Involvement in Corporations and Other Entities	39
3.3.5 Protection from Liability.....	40
3.3.6 Code of Conduct	41
3.3.7 Pecuniary Interest.....	41
3.3.8 Delegations.....	42
Financial Governance	43
3.3.9 Financial Management.....	43
3.3.10 Procurement.....	44
3.3.11 Capital Expenditure Framework	46
3.3.12 Public Private Partnerships	48
3.3.13 Acquisition of Land.....	49
3.3.14 Public Land.....	50
3.3.15 Approvals, Orders and Enforcement.....	54
3.3.16 Water Management	57
3.3.17 Tribunals and Commissions	59
3.3.18 Performance of Local Government	59
CHAPTER 4 - CITY OF SYDNEY ACT	61
CHAPTER 5 – CONCLUSIONS & MAKING A SUBMISSION	65
5.1 Making a Submission	65
5.2 Next Steps	66
APPENDIX I – SUMMARY OF CONSULTATION FEEDBACK.....	67
APPENDIX II - LIST OF ABBREVIATIONS	84

EXECUTIVE SUMMARY

Background and Scope

The Local Government Acts Taskforce (the Taskforce) has been appointed by the Minister for Local Government, The Hon Don Page to re-write the *Local Government Act 1993* and review the *City of Sydney Act 1988*. The Taskforce membership and Terms of Reference can be found in section 1.2.

This review is being conducted in the context of a number of other significant reviews (listed in section 1.5), and especially that of the Independent Local Government Review Panel (the Independent Panel). Under their Terms of Reference, the Taskforce has to have regard to the work of the Independent Panel and any of its recommendations that are adopted by the Government. The Independent Panel is scheduled to report in July 2013. Consequently, there are a number of matters that the Taskforce is unable to address until the decision of Government is available in relation to the Independent Panel recommendations. These are noted throughout this Discussion Paper.

Purpose and Approach

The purpose of this Discussion Paper is to outline the deliberations of the Taskforce on options and proposals for the principles of the new legislation. The Taskforce is proposing to develop a flexible, principles-based legislative framework where possible that avoids excessive prescription, is written in plain language, and in a logical form. The approach proposed by the Taskforce to the new legislation is detailed in section 1.3.

In conducting this review the Taskforce is required to consult widely. Many of the proposals contained in this paper have been formulated on the basis of feedback and submissions received by the Taskforce in response to its Preliminary Ideas Paper, October 2012. A summary of the feedback received can be found in Chapter 2 and Appendix I.

Following the release of this paper the Taskforce will be conducting further consultation, including holding workshops and inviting written submissions. All interested organisations and persons are encouraged to comment on the proposals outlined in this paper. See section 5.1 for details on how to make a submission.

Elements of a New Local Government Act

This Discussion Paper explores matters that in the view of the Taskforce are the key elements of a new Local Government Act (the Act) and puts forward proposals for comment on how these elements might be accommodated. A summary of all proposals can be found in Table II at the end of the Executive Summary.

The Taskforce has the view that Integrated Planning and Reporting (IPR) should form the central theme for the new Act and be the primary strategic tool that supports councils delivering services and facilities to their communities.

The Taskforce proposes that in addition to elevating IPR to form the central plank of the new Act, the other provisions of the Act should be drafted to better utilise IPR. The elevation of IPR should allow the Act to be streamlined and made more consistent. This can be achieved by consolidation of duplicated requirements and ensuring other provisions of the Act reflect the roles and responsibilities of the council, councillors, mayor, general manager and staff as framed by IPR. See section 3.2.1 for details.

The Taskforce acknowledges the importance of defining the role of local government and principles to be observed by local government in fulfilling this role. Accordingly, the Taskforce proposes a redrafting of the current Charter (s8 of the Act) to be replaced with new Roles and Principles for local government. This will reflect local government as part of a broader governance system working strategically, and in partnership, to deliver improved outcomes for communities. The proposed draft Roles and Principles can be found in section 3.1.2.

The Taskforce has the view it is essential the new Act recognises the importance of technology as a mechanism councils can use to connect with their communities and more efficiently and effectively deliver services. The Taskforce proposes that as a general principle the Act should support the optimal and innovative use of technology by councils, while ensuring this does not result in reduction of access to council. See section 3.2.3 for specific proposals on this matter.

As the principal element of the governance framework for local government in NSW, the Taskforce acknowledges the importance of ensuring the Act provides a strong framework which facilitates councils acting fairly, responsibly, ethically and in the public interest. In this paper the Taskforce has endeavoured to address the main elements of this framework. These matters are explored in Chapter 3, Part III of this paper and cover the topics listed in Table I.

Table I – List of Topics considered in this paper

Topic	See Section
Elections	3.3.1
Meetings	3.3.2
Appointment and Management of Staff	3.3.3
Formation and Involvement in Corporations and Other Entities	3.3.4
Protection from Liability	3.3.5
Code of Conduct	3.3.6
Pecuniary Interest	3.3.7
Delegations	3.3.8
Financial Management	3.3.9
Procurement	3.3.10
Capital Expenditure Framework	3.3.11
Public Private Partnerships	3.3.12
Acquisition of Land	3.3.13
Public Land	3.3.14
Approvals, Orders and Enforcement	3.3.15
Water Management	3.3.16
Tribunals and Commissions	3.3.17
Performance of Local Government	3.3.18

City of Sydney Act

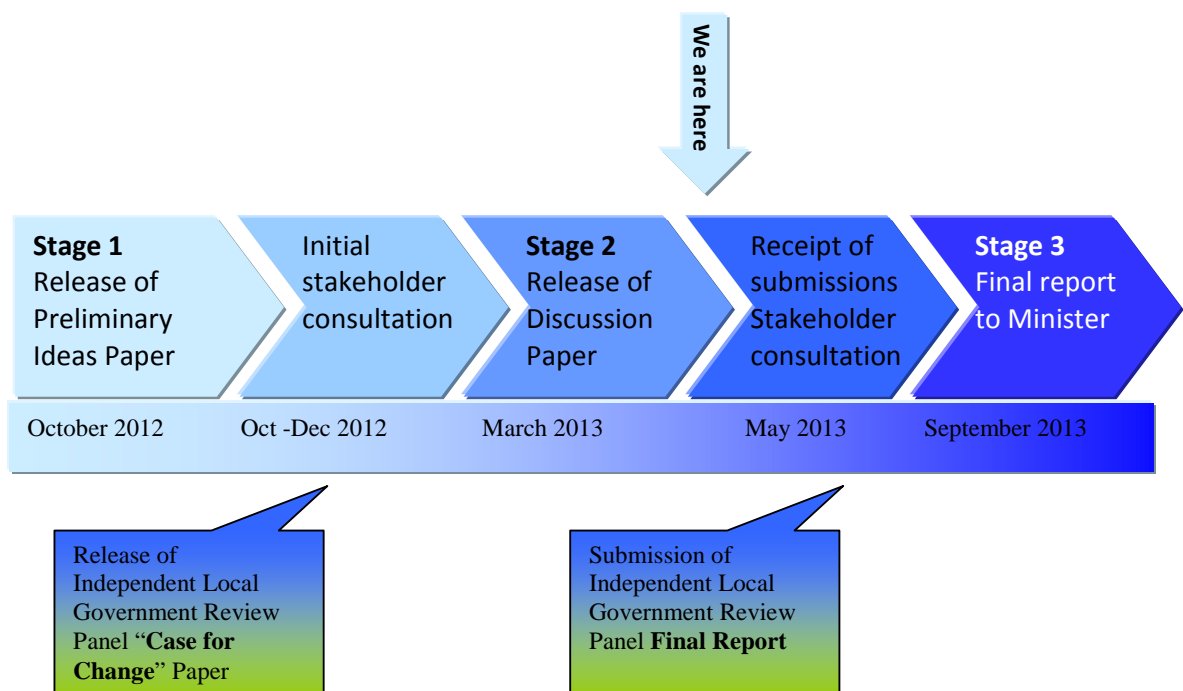
The Taskforce has also been requested to review the *City of Sydney Act 1988*. This Act provides special provisions unique to the City as the centre of government and business in NSW. In most other respects the Local Government Act applies. The main purposes of the City of Sydney Act are to make provisions for the non-residential voting franchise for the City; establish the Central Sydney Planning Committee and the Central Sydney Traffic and Transport Committee; and make provision for special environmental planning powers.

Having considered the submissions and the findings of the 2010 Independent Review of the Central Sydney Planning Committee, the Taskforce considers that under the current boundary arrangements there is a need to retain a separate City of Sydney Act in recognition of the importance of the City of Sydney as a global city; the economic importance of the central business district of the City; and its unique position in holding events of local, regional, national and international significance. Details of the Taskforce's considerations and proposal can be found in Chapter 4.

Next Steps

The release of this Discussion Paper marks the second stage of the work of the Taskforce which will include further consultation with all interested stakeholders. Submissions are invited in response to this paper. Details on how to make submissions are contained in Chapter 5. The closing date for submissions is **COB Friday 28 June 2013**.

Thereafter, a final report, based on the outcomes of the consultation and outcomes of other reviews including the Independent Panel, containing recommendations for a new Local Government Act, will be prepared for the consideration of the Minister for Local Government.



More details on the Taskforce can be found on [webpage](#):

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_LGAT.asp?mi=10&ml=2&SecHd=HOME&AreaIndex=TASKFORCE

Table II - Summary of Taskforce Proposals

Topic	Proposal No	Taskforce Proposals
Approach and Principles for the Development of the New Act	1.3	The Taskforce proposes: <ul style="list-style-type: none"> (i) a flexible, principles based legislative framework, avoiding excessive prescription, written in plain language and in a logical form. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved then regulations, codes and guidelines will be used where appropriate. (ii) a more consistent approach be taken to the use and naming of the regulatory and other instruments, noting that there is inconsistent use of mandatory and discretionary codes, section 23A guidelines, practice notes, discretionary guidelines and the like.
Purposes of the Local Government Act	3.1.1	<ul style="list-style-type: none"> (i) The Taskforce proposes the following draft Purposes of the Act “The purpose of this Act is to provide <ul style="list-style-type: none"> (1) a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i> (2) the nature and extent of the responsibilities and powers of local government (3) a system of local government that is accountable, effective, efficient and sustainable.”
Role and Principles of Local Government	3.1.2	<ul style="list-style-type: none"> (i) The Taskforce proposes the inclusion of a new Role of Local Government and a set of Principles for Local Government that will replace the charter in the new Act as follows: <p>“Role of Local Government</p> The role of local government is to lead local communities to achieve social, economic and environmental well being through: <ul style="list-style-type: none"> i) utilising integrated strategic planning ii) working in partnership with the community, other councils, State and Commonwealth governments to achieve outcomes based on community priority as established through Integrated Planning and Reporting iii) providing and procuring effective, efficient and economic infrastructure, services and regulation iv) exercising democratic local leadership and inclusive decision-making <p>Principles of Local Government</p> Principles to be observed by local government are to: <ul style="list-style-type: none"> i) provide community-based representative democracy with open, unbiased and accountable government ii) engage with and respond to the needs and interests of individuals and diverse community groups iii) facilitate sustainable, responsible management, development, protection and conservation of the natural and built environment; iv) diligently address risk and long-term sustainability; v) achieve and maintain best practice public governance and administration, and to act fairly, responsibly, ethically, and in the public interest; and vi) optimise technology, and foster innovation and flexibility.”
Integrated Planning and Reporting	3.2.1	The Taskforce proposes that: <ul style="list-style-type: none"> (i) IPR be elevated to form a central ‘plank’ of the new Act as the primary strategic tool to enable councils to fulfil their leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government. (ii) other provisions of the Act be drafted so as to better support IPR including accountability to the community, financial sustainability and partnership with the State and others to deliver community outcomes. (iii) where possible relevant provisions from other sections of the Act be incorporated into IPR to reduce duplication. For example, capital

Topic	Proposal No	Taskforce Proposals
		<p>planning and expenditure approval provisions could be moved to the IPR resourcing strategy provisions; and community consultation processes should reflect IPR community engagement principles and need not be repeated throughout the Act.</p> <p>(iv) the IPR provisions be simplified to increase flexibility for council to deliver IPR in a way that is locally appropriate.</p>
Community Consultation and Engagement	3.2.2	<p>The Taskforce proposes the following set of principles to guide councils regarding how consultation and engagement might occur:</p> <ul style="list-style-type: none"> • commitment to ensuring fairness in the distribution of resources (equity); rights are recognised and promoted (rights); people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life (access); and people have better opportunities to get involved (participation) • ensuring that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the consultation and the scope of the decision(s) to be taken • ensuring that interested persons have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format • ensuring that the views presented to the council will be given due consideration • ensuring that council, in exercising its discretion as to how consultation will proceed in any particular circumstance, has regard to the reasonable expectations of the community, the nature and significance of the decision or matter, and the costs and benefits of the consultation process • arranging for special consultative procedures in particular instances.
Technology	3.2.3	<p>The Taskforce proposes that:</p> <p>(i) as a general principle the Act should support the optimal and innovative use of technology by councils to promote efficiency and enhance accessibility for the benefit of constituents.</p> <p>(ii) the Act allow each council to determine the most appropriate use of technology taking into account the principles for local government and community engagement through the IPR framework discussed above.</p>
Elections	3.3.1	<p>The Taskforce proposes:</p> <p>(i) use of postal voting at all council elections as a means of increasing efficiency and voter participation and reducing council election costs.</p> <p>(ii) the following possible improvements to electoral provisions:</p> <ul style="list-style-type: none"> • the most appropriate voting system – exhaustive preferential; optional preferential; proportional, or first past the post • the option of utilising electronic voting in the future • mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary election or up to 18 months prior to an ordinary election • half term elections for councillors, similar to Senate elections • the ward system being abolished • improving the adequacy of and access to candidate information prior to elections • the enrolment process and maintenance of the non-residential roll, particularly in the City of Sydney
Meetings	3.3.2	<p>The Taskforce proposes:</p> <p>(i) the provisions relating to council meetings be:</p> <ul style="list-style-type: none"> • reviewed, modernised and any unnecessary prescription and red tape removed, • designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access; and • consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice.

Topic	Proposal No	Taskforce Proposals
Appointment and Management of Staff	3.3.3	<p>The Taskforce proposes:</p> <ul style="list-style-type: none"> (i) the strategic responsibilities of the council be clearly separated from the operational responsibilities of the general manager in determining the council's structure and be aligned with IPR by: <ul style="list-style-type: none"> • the general manager being responsible for determining the organisation structure and for recruiting appropriately qualified staff necessary to fulfill each role within the structure • the council being responsible for determining those services and priorities required and to provide the resources necessary to achieve the Council's Delivery Program, and • the general manager being responsible for the employment of all staff and there be no requirement for the general manager to consult with the council in relation to appointment and dismissal of senior staff. (ii) all positions meeting the criteria as a senior staff position be treated as such, appointed under the prescribed standard contract for senior staff, identified as a senior staff position within the organisation structure, and the remuneration be reported in the council's annual report. (iii) in line with the principle of reducing prescription: <ul style="list-style-type: none"> • each council to determine how it deals with regulatory responsibilities that fall outside of the Local Government Act, rather than prescribe the appointment of a Public Officer, and • the EEO provisions be incorporated with the IPR processes and procedures (iv) the current prescription in the Act relating to the advertising of staff positions and staff appointments be transferred to regulation or to the relevant industrial award.
Formation and Involvement in Corporations and Other Entities	3.3.4	<p>The Taskforce proposes to defer further consideration of this component of the legislation until the work of the Independent Panel is completed.</p>
Code of Conduct	3.3.6	<p>The Taskforce is not proposing any changes to the conduct provisions of the Act.</p>
Pecuniary Interest	3.3.7	<p>The Taskforce proposes that:</p> <ul style="list-style-type: none"> (i) the pecuniary interest provisions be reviewed to ensure they are rewritten in plain language, easily understood and any unnecessary red tape removed. (ii) consideration be given to utilising available technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information.
Delegations	3.3.8	<p>The Taskforce proposes that the provisions in the Act relating to delegations be reviewed to ensure they are streamlined; written in plain language; and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.</p>
Financial Governance	3.3.9	<p>The Taskforce proposes:</p> <ul style="list-style-type: none"> (i) there be greater scope for a focus on principles and the definition of financial systems/minimum standards within a new legislative framework and for assimilation with the mechanisms of IPR in line with frameworks proposed for other parts of the legislation. (ii) there be a rebalancing of the regulatory focus of the legislative framework towards systems and risk management rather than process prescription. (iii) to await the Independent Panel work on many of the issues associated with fiscal responsibility including; rating issues; asset and financial planning; rates and charges; management of expenditure; and audit practices before recommending legislative positions on these matters.
Procurement	3.3.10	<p>The Taskforces proposes:</p> <ul style="list-style-type: none"> (i) the adoption of a more principles-based enabling approach to procurement combined with a medium level of regulation designed to ensure support of the principles of value for money, efficiency and effectiveness, probity and equity, and effective competition. (ii) in relation to the current tendering threshold of \$150,000 rather than the legislation setting a dollar value threshold a more flexible principles-

Topic	Proposal No	Taskforce Proposals
		<p>based approach be taken to councils setting the threshold based on risk assessment of the proposed procurement.</p> <p>(iii) the delegations section of the Act be reviewed to facilitate councils entering into collaborative procurement arrangements such as via ROCs and allowing councils to delegate procurement to general managers with a 'report back' mechanism.</p> <p>(iv) any regulation of council procurement support councils utilising available technologies that can assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent.</p>
Capital Expenditure Framework	3.3.11	<p>The Taskforce proposes:</p> <p>(i) that a capital expenditure and monitoring framework be developed to enable the appropriate management of risk by councils. This framework should be tailored to risk levels, including significance of the project (including materiality and whole of life costs) and not based on arbitrary monetary thresholds or procurement vehicles.</p>
Public Private Partnerships	3.3.12	<p>The Taskforce proposes that PPP projects continue to be subject to regulation and aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.</p>
Acquisition of Land	3.3.13	<p>The Taskforce proposes:</p> <p>(i) no change at this time to the acquisition of land provisions as they remain essential to council's continued service and infrastructure delivery, are generally working well and there are no strong reasons to support change.</p> <p>(ii) council plans for the acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the community strategic plan on the need for additional public land or the sale of public land, be included in Delivery Program provisions.</p>
Public Land	3.3.14	<p>The Taskforce proposes:</p> <p>(i) the current processes for council land management, being complex and inconsistent with the Crown Lands regime, be simplified and complementary.</p> <p>(ii) the Local Government Act:</p> <ul style="list-style-type: none"> • require councils to strategically manage council-owned public land as assets through the IPR framework • balance reasonable protections for public land use and disposal where the land is identified as having significant value or importance • end the classification regime of public land as either community or operational land and instead, require the council resolution at the time of acquiring or purchasing land to specify the proposed use or uses • provide that a proposed change in the use or disposal of public land, including consultation mechanisms, should be dealt with through the council's asset management planning and delivery program • retain the requirement for a public hearing to be held by an independent person where it is proposed to change the use or dispose of public land identified as having significant value or importance. The results should be reported to and considered by the council before a decision is made and proposals should be addressed through council's community engagement strategy • recognise the LEP zoning processes and restrictions applying to council owned public land • review the prescribed uses to which public land may be applied to accommodate other uses appropriate to the current and future needs of the community • cease the need for separate plans of management for public land to be prepared and maintained, and in lieu, utilise the asset management planning and delivery program • cease the need for a separate report to be obtained from the Department of Planning and Infrastructure where proposed leases and licences of public land are referred to the Minister for Local Government for consideration.

Topic	Proposal No	Taskforce Proposals
Approvals, Orders and Enforcement	3.3.15	<p>The Taskforce proposes:</p> <ul style="list-style-type: none"> (i) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in their implementation, with statutory minimum standards or thresholds the council must meet, and councils discretionary 'on-the-ground' functions. (ii) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed into regulations where possible, allowing the Act to focus on high priority areas and principles. (iii) certain approvals be repealed or transferred to other legislation, such as the installation of manufactured homes and the operation of caravan parks and camping grounds. Installation of domestic oil and solid fuel heating appliances should be transferred to the Environmental Planning and Assessment Act; approvals for filming activities on public land be deleted or transferred to other legislation; approvals for amusement devices be transferred to health and safety legislation; and approvals for engaging in activities on public roads be transferred to roads and transport legislation. (iv) given that maximum penalties have not increased since 1993, penalties for offences in the Act and Regulation be reviewed to ensure they are proportionate to the seriousness and nature of the offence, and act as a deterrent to re-offending. (v) to have regard to the findings and recommendations of the reports by IPART as they affect local government that are due mid-2013. <p>The Taskforce invites comments as to whether there are currently activities requiring approval that are low-risk or redundant and therefore can be removed from the legislation.</p>
Water Management	3.3.16	<p>The Taskforce will await the report and recommendations of the Independent Panel on water management so that the regulation of water by local government in NSW can be further considered. This will involve the determination of appropriate governance structures for water and sewerage delivery in those areas currently serviced by LWUs and water county councils. It will also resolve whether the constitutional and regulatory arrangements for new structures should remain in the Act or relocated into a more appropriate integrated legislative framework.</p>
Performance of Local Government	3.3.18	<p>The Taskforce will await the report and recommendations of the Independent Panel before considering any legislative provisions but invites submissions on whether the performance of local government and its constituent entities should be further monitored and reported.</p>
City of Sydney Act	4.1	<p>The Taskforce proposes that a separate Act for the City of Sydney be retained (pending the report and recommendations of the Independent Panel) noting that the Council is also subject to the provisions of the Local Government Act.</p>

CHAPTER I – BACKGROUND & INTRODUCTION

1.1 Background

In August 2011, councillors and general managers from every council in the State, together with representatives of the State Government, gathered in Dubbo to attend a two day forum to begin the process of creating a strong and viable local government sector for the future. The forum marked the beginning of the Destination 2036 initiative.

The purpose of Destination 2036 was to consider and develop structures and approaches to local government in NSW that would allow the sector to meet the needs and expectations of present and future communities. The Action Plan resulting from Destination 2036 provides the 'road map' for change for the local government sector now and into the future.

One key action arising from the Destination 2036 Action Plan was the establishment of the Local Government Acts Taskforce (the Taskforce). The four member Taskforce, appointed by the Minister for Local Government, the Hon Don Page MP has been charged with reviewing and rewriting the *Local Government Act 1993* and the *City of Sydney Act 1988* to develop modern legislation that will support present and future local government in NSW.

1.2 Introduction to the Local Government Acts Taskforce Members

The members of the Local Government Acts Taskforce are:

- **Mr John Turner** (Chair). Mr Turner was elected an Alderman and Deputy Mayor of Cessnock City Council between 1981 and 1987. He was elected to the NSW Legislative Assembly in March 1988 being the Member for Myall Lakes. Mr Turner served as Deputy Speaker of the Parliament and has had various roles including shadow minister for various portfolios including local government and served on select and parliamentary committees, including Chair of the Local Government Legislation Committee for the 1993 Local Government Act, Police, Energy, Cooperatives, Attorney General, Justice and Industrial Relations. Mr Turner was appointed Deputy Leader of the National Party from 1999 to 2003. His background is in law and politics.
- **Mr Stephen Blackadder**. Mr Blackadder was the General Manager of Rockdale City Council between 1988 and 2002 and General Manager of Warringah Council until 2007. He has served on the Local Government Managers Australia International Committee since 1998. Since 2007 Mr Blackadder has been Executive Director of Blackadder Associates Pty Ltd providing a range of consulting services to local government across Australia. His background is in business studies, management development and strategic planning.
- **Gabrielle Kibble AO**. Mrs Kibble is currently Chair of the NSW Planning Assessment Commission and Chair of the Joint Regional Planning Panel for Western NSW. She was Chair of the Heritage Council of NSW between 2008 and the end of 2011. She was one of the Administrators of Wollongong City Council in 2008 and 2009, and she was the Administrator of Liverpool City Council from 2004 to 2008. Gabrielle Kibble has extensive experience in the public sector, particularly in urban planning and infrastructure development. From December 1987 until November 1997 she was the Chief Executive Officer of the Department of Urban Affairs and Planning; and from July 1992 until April 1994 she was Director General of the NSW Department of Housing. Gabrielle Kibble is a Fellow of the Royal Australian Planning Institute. In 1994 Gabrielle Kibble became an Officer of the Order of Australia. In June 1999 the

University of NSW conferred on her the degree of Doctor of Science, *honoris causa*, and in September 2008 the University of Western Sydney awarded her an Honorary Doctor of Letters.

- **Dr Ian Tiley.** Dr Tiley has over 49 years' experience in local government. Commencing as an employee he held the position of Shire Clerk for 15 years. He was the Mayor of the former Maclean Shire Council (1997 to 2000) and the first Mayor of Clarence Valley Council (2005 to 2008). Since 1991 he served on three general purpose and two county councils, retiring as a councillor in September 2012. Dr Tiley's PhD on Australian local government amalgamations was conferred in 2012. He is an Adjunct Research Fellow at the University of New England Armidale and Deputy Director of the University's Centre for Local Government. Since June 2009, he has been the inaugural Chairperson of Regional Development Australia Northern Rivers Committee, is a Director on the North Coast Institute of TAFE Advisory Council and has held several other ministerial appointments.

Details of the Taskforce Terms of Reference are in Table 1.

Table 1 -Terms of Reference for the *Local Government Act 1993* and the *City of Sydney Act 1988* Taskforce

The Local Government Acts Taskforce will consider the provisions of the *Local Government Act 1993* and the *City of Sydney Act 1988*, and their practical operation so as to:

- Ensure that the legislation and statutory framework meet the current and future needs of the community, local government, and the local government sector.
- Strengthen and streamline the legislation to enable local government to deliver services and infrastructure efficiently, effectively and in a timely manner.
- Ensure that the legislation is progressive, easily understood and provides a comprehensive framework, while avoiding unnecessary red tape.
- Recognise the diversity of local government in NSW.
- Provide greater clarity on the role and responsibility of local government.
- Adopt the decisions of the Government in relation to the recommendations of the Independent Local Government Review Panel.
- Make recommendations to the Minister for Local Government for legislative changes considered necessary and appropriate for a new Local Government Act.
- Identify and recommend to the Minister for Local Government, at any time during the review process, any legislative changes that need to be implemented prior to the completion of the review.

Other considerations:

In carrying out its work the Taskforce will:

- Engage and consult with the wider NSW community and with local government stakeholders (including the Local Government and Shires Associations of NSW, Local Government Managers Australia (NSW), local councils, village committees, county councils, regional organisations of councils, business, community, industrial and employee associations, relevant professional bodies, and government agencies) about the operation of the legislation.
- Identify key principles to underpin local government legislation in NSW. In developing these principles the Taskforce will consider legislation and its application in other jurisdictions both in Australia and overseas.
- Take account of the work, findings and government decisions, in relation to the NSW Planning System Review, the Destination 2036 Action Plan and the NSW State Plan "NSW 2021 – A Plan to make NSW number one".
- Conduct its work in a manner that recognises the terms of reference and approach being taken by the Independent Local Government Review Panel.

It should be noted this Discussion Paper has specific regard for the 6th dot point of the Terms of Reference. Given the Independent Panel is yet to submit its final report to the Minister, this Discussion Paper will not address in detail those issues the Independent Panel is likely to include in its report.

1.3 Approach and Principles for the Development of the New Act

The matters explored in this paper have been developed on the basis of research undertaken by the Taskforce including consideration of ideas and suggestions received during the consultation undertaken to date. A summary of the outcomes from this consultation are in Chapter 2 and Appendix I to this paper.

From the Terms of Reference and supported by the feedback received by the Taskforce through the consultation process, the expectation is that the new Act should be written in modern, plain language and wherever possible eliminate unnecessary 'red tape'.

The most commonly suggested principles from participants in our consultation were as follows:

- Less prescriptive
- Streamlined, simpler
- Logical
- Reduce unnecessary red tape
- The "why" not the "how"
- Flexible to accommodate the differences between councils
- Plain language
- Consistent and integrated with other legislation, regulations and codes
- Recognise technology
- Should be outcome focused, not process driven
- Clear delineation between Act, regulations, guidelines and codes.

Table 2 contains selected extracts from written submissions on the principles for local government which illustrate the above:

Table 2 - Extracts from written submissions on the principles for local government

<p>Submission 83 – Waverley Council</p> <p>Submission 35 – Manly Council</p> <ul style="list-style-type: none"> • Modern • Flexible • Streamlined • Supporting diversity among councils • Written in plain language, and • Eliminates unnecessary red tape affecting councils and the public 	<p>Submission 69 – Council of the Shire of Bourke</p> <ul style="list-style-type: none"> • Recognition that "one size" doesn't fit all and the diversity of councils activities and the problems they deal with on a daily basis within the different communities • Concise with any additional information need to supplement the Act being provided via regulation or Practice Note • Readily understood and devoid of ambiguity and the need for legal interpretation • Be enabling and not restrictive
--	---

There is a clear expectation the new Act will be streamlined, simplified and logically designed to provide a clear and flexible framework within which the diverse local government sector can operate.

Related to the issue of streamlining is the development of principles-based legislation and relocating necessary prescription to regulation, codes or guidelines. A frequently expressed view was that the new Act should be more focused on outcomes rather than process and be about the "why" not the "how".

This needs to be balanced against the need for certainty and clarity in the legislation to reduce different interpretation of provisions and consequent potential for increased litigation.

Similarly, relocation of necessary prescription to regulations, codes or guidelines does not reduce the compliance burden on councils and could result in the regulatory framework becoming increasingly fragmented and complex.

A common theme heard during the consultation process was that IPR should be given a more central place in the new Act. If the new Act was structured around IPR it should be possible to streamline the Act and reduce the compliance burden on councils. This could be achieved through the elimination of processes that are currently duplicated in the Act while aligning roles, responsibilities and accountability for compatibility with the IPR framework. A more detailed discussion of IPR and how it could be utilised in the construction of the new Act can be found in section 3.2.1 and throughout this paper.

Taskforce Proposal

1.3 The Taskforce proposes:

- (i) a flexible, principles based legislative framework, avoiding excessive prescription, written in plain language and in a logical form. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved then regulations, codes and guidelines will be used where appropriate.
- (ii) a more consistent approach be taken to the use and naming of the regulatory and other instruments, noting that there is inconsistent use of mandatory and discretionary codes, section 23A guidelines, practice notes, discretionary guidelines and the like.

1.4 Purpose of the Discussion Paper

The intention of this paper is to outline the deliberations of the Taskforce on options and proposals for the principles of the new legislation. The paper is designed to provoke thought and discussion on how the legislation and regulatory regime can best be designed to provide an optimal framework for long-term sustainable local government in NSW.

All interested organisations and persons are invited to comment on the ideas and options outlined in this paper. In particular the Taskforce is interested in receiving submissions that address the following questions relating to the proposals contained in this paper:

1. Do you support the proposed approach to the construction of the new Act and why? If not why not?
2. What proposals do you support and why?
3. What proposals do you think could be improved, modified and strengthened and how?
4. What proposals do not have your support and why?
5. Do you have any alternative proposals for the new Local Government Act that you think the Taskforce should consider? What are they and what are the reasons supporting your proposal(s)?
6. Do you have any other comments relevant to the review of the Local Government Act and the City of Sydney Act?

Details on how to make a submission are contained at the end of this paper.

The Taskforce intends holding Discussion Paper workshops across NSW to discuss the ideas presented in this paper, and which will be open to all interested persons. Details of the workshops and how to register to participate will be available on the Taskforce webpage:

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_LGAT.asp?mi=10&ml=2&SecHd=HOME&AreaIndex=TASKFORCE

1.5. Limitations of Scope

The work of the Taskforce is occurring in the context of a number of other significant reviews, and especially that of the Independent Panel. The Terms of Reference for the Taskforce include:

- *“Take account of the work, findings and government decisions, in relation to the NSW Planning System Review, the Destination 2036 Action Plan and the NSW State Plan “NSW 2021 – A Plan to make NSW number one”.*
- *Conduct its work in a manner that recognises the terms of reference and approach being taken by the Independent Local Government Review Panel.*
- *Adopt the decisions of the Government in relation to the recommendations of the Independent Local Government Review Panel.”*

Consequently, to accommodate the timetable of the Independent Panel there are a number of areas of the Local Government Act that the Taskforce will not address until the Independent Panel has completed its work. These areas include:

- How councils are established – Chapter 9
- Arrangements for council staff affected by the constitution, amalgamation or alteration of council areas - Chapter 11 , Part 6
- County Councils – Chapter 12, Part 5.
- Financial Management - Chapter 13, Part 3
- How are Councils Financed - Chapter 15

In addition to the work of the Independent Panel, there are a number of other reviews concurrently underway that may also impact the work of the Taskforce. These reviews are listed in Table 3.

Table 3 – Other Reviews Currently Being Conducted Relevant to the Review of the Local Government Acts Framework

Review Subject	Lead Agency	Report due date	Comment
Local Government Compliance and Enforcement	Independent Pricing and Regulatory Tribunal	30 June 2013	The NSW Government has asked IPART to examine local government compliance and enforcement activity (including regulatory powers delegated under NSW legislation) and provide recommendations that will reduce unnecessary regulatory burdens for business and the community. For more details see www.ipart.nsw.gov.au .
Red Tape Review – Licence Rationale and Design	Independent Pricing and Regulatory Tribunal	30 June 2013	The NSW Government has asked IPART to examine all licence types in NSW and identify those where reform would produce the greatest reduction in regulatory burden for business and the community. The aim is to consider the class of instruments that regulators use to grant permission to undertake a particular activity and manage risk. For details see www.ipart.nsw.gov.au .
Crown Land Management Review	Department of Primary Industries		A crown land management review is currently underway. The Division of Local Government, together with other State agencies, is participating on the Legislative Overlap and Red Tape Working Group. One task of the Group is to consider ways in which these areas of overlap can be avoided or mitigated.

Review Subject	Lead Agency	Report due date	Comment
Planning system review	The Department of Planning and Infrastructure		This is major review of the State's planning system, including a review of the <i>Environmental Planning and Assessment Act 1979</i> . It is one of a number of changes and reviews to legislation and policies currently underway that support the planning system in NSW. See www.planning.nsw.gov.au
Domestic Wastewater	Legislative Assembly Committee on Environment and Regulation, NSW Parliament		The Legislative Assembly Committee on Environment and Regulation is conducting an inquiry into the regulation of domestic wastewater, including the appropriateness of current regulatory arrangements for the management of domestic wastewater and the adequacy of inspection procedures and requirements to report incidents. Further detail is found later in this paper under 'On-Site sewerage management'.
Urban Water Regulation Review	Department of Finance and Services	2012	Review of the <i>Water Industry Competition Act 2006</i> and the wider regulatory framework – principally sections 60 and 68 of the Local Government Act used to regulate council and private recycled water schemes.
Local Government Elections September 2012	Joint Standing Committee on Electoral Matters, NSW Parliament	30 June 13	An inquiry is being conducted into the September 2012 Local Government elections with particular reference to: the cost; experience of councils that conducted their own elections; efficiency and participation; non-residential voting; and the impact of the Election Funding, Expenditure and Disclosures Act 1981 on participation by candidates. See http://www.parliament.nsw.gov.au/electoral matters
Other reviews			Reviews of the Land Acquisition (Just Terms Compensation) Act 1991 and the Residential Parks Act 1998 are also underway by their respective agencies.

CHAPTER 2 – CONSULTATION OUTCOMES

2.1. Preliminary Ideas Paper Consultation

In October 2012 the Taskforce released its Preliminary Ideas Paper, the purpose of which was to generate discussion and ideas regarding the form and content of the new legislation.

The Paper posed a number of questions and invited written submissions in response to these questions. In November/December 2012 the Taskforce conducted workshops for councillors and relevant council staff, including county councils, to discuss the questions posed in the Paper.

Summaries of the outcomes of the workshops and copies of the formal submissions received by the Taskforce in response to the Paper are posted on the Taskforce webpage:

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_LGAT.asp?mi=10&ml=2&SecHd=HOME&AreaIndex=TASKFORCE

A summary of the submissions can be found in Appendix 1.

2.2. Summary of Ideas and Suggestions Received through Workshops and Written Submissions

The following discussion provides an overview of the key themes and issues that emerged from the workshops and submissions responding to the five (5) questions posed in the Preliminary Ideas Paper.

The information below summarises the main themes generated by the participants at the workshops and in written submissions. Therefore, this summary is not exhaustive and does not cover all matters contained in the written submissions, which can be accessed on the Taskforce webpage and Appendix 1.

The information presented below does not necessarily represent the views of the Taskforce. However, it has been taken into consideration when formulating recommendations and proposals on the form and framework of the new Act.

i) What top 5 principles should underpin the content of the new Local Government Act?

Throughout the workshops and the written submissions there was general consensus about the principles for the framework for a new local government Act. The list in **Table 4** summarises the most commonly expressed principles.

Table 4 – Principles for the framework of local government

- Autonomy, self determination – local councils should have a power of general competence
- Interconnectedness – with the local community, the region, and the State
- Good governance – separation of powers of councillors and council staff, clarity of roles and responsibilities – council staff, councillors, mayor and the State
- Leadership - stewardship
- Social justice, equity
- Transparent, accountable, efficient, effective, ethical, responsible decision making - promote integrity
- Sustainability
- Fiscal responsibility
- Consultation – acting in the public interest; facilitate and encourage local participation
- Strategic long term focus

- Service to the community now and into the future
- Local democracy
- Strengthen regional and State ties - partnerships
- Flexible
- Custodian and trustee of public assets to be managed effectively and accountability
- Promote economic, social and environmental wellbeing of LGA
- Business-like
- Foster innovation
- Recognise and manage risk
- Core functions and community enhancing functions

Table 5 - Extracts from written submissions demonstrating the commonly agreed principles for local government.

<p>Submission 98 – Local Government and Shires Associations of NSW</p> <ol style="list-style-type: none"> 1. Seek to give clear expression of the purpose, status, models and functions of 21st century Local Government 2. Seek to maximise council autonomy 3. Equip councils to be the leaders, identity and place makers, and service providers their communities want them to be 4. Avoid unnecessary prescription and/or regulation of councils and the communities they serve <p>Submission 24 - Warringah Council</p> <ol style="list-style-type: none"> 1. Sustainability both present and future focussed. 2. Acting in the public interest considerations 3. Democratic representation 4. Good governance of and by local government 5. Establishing and maintaining partnerships with other bodies 	<p>Submission 29 - Shoalhaven City Council</p> <ol style="list-style-type: none"> 1. Good Governance – ethics, transparency, accountability 2. Sustainability – financial, economic, quality of life, environment 3. Community engagement – involve residents and ratepayers and other relevant stakeholders 4. Social justice – access and equity in services and policy 5. Customer/stakeholder focus <p>Submission 71 – Cowra Council</p> <ol style="list-style-type: none"> 1. Provide flexibility to Councils 2. Reduce and streamline compliance whilst retaining accountability 3. Clarify responsibilities to provide certainty 4. Autonomy to provide increased service levels 5. Adopt an underlying philosophy of State and Local Government being equal partners such that the legislation is not written in a prescriptive master/servant manner
--	---

It was evident from the written submissions and workshops that there is clear support for local government in NSW to be autonomous and with a broad range of functions and responsibilities, subject to any legal constraints.

The importance of the principle of local democracy and keeping the “local” in local government was also evident.

The principle of autonomy was balanced by the principle that local government should exercise its powers within a strong governance framework, promoting accountability to the community and the State, and exercising long term social and fiscal responsibility.

Linked with accountability was the importance of relationships between councils and their local community, more broadly on a regional basis, and with the State Government.

This was underpinned by the principle that local government, in the provision of services to the community and as custodian and trustee of public assets, should exercise its functions in meaningful consultation and engagement with its community to ensure it is acting in the public interest.

The view that local government should provide long-term sustainable strategic community leadership was also convincingly evident both from the workshops and in written submissions.

ii) What is currently working well in the Local Government Act and why, and should it be retained in the new Act?

Feedback can be grouped into two main categories:

- a) ideas and suggestions for which there was a general consensus and few, if any, opposing suggestions, and
- b) ideas and suggestions which appeared both in response to this question and to question 4 (what is not working well). On closer consideration of these matters it was evident that these areas were often where the general principle covered by the legislation was supported, but it was felt the section of the legislation could be improved by being modernised, simplified or clarified.

The following is a summary of ideas and suggestions where there was general consensus they were working well.

Those ideas and suggestions submitted in response to both this question and question 4 have been included in the summary of feedback and submissions in response to question 4 – what is not working well – barriers or weaknesses.

Table 6 lists the key areas that were submitted as areas of the current Local Government Act that are working well and should be retained in the new Act.

Table 6 –Key areas of the Act identified in submissions as working well

- Charter – needs to be modernised and reflect integrated planning and reporting
- Section 24 – devolution of general power of competency
- Community Strategic Plan/Integrated Planning and Reporting (but with refinement)
- Role of councillors/mayor and general manager – but needs clarification
- Many sections work well, but focused on processes rather than outcomes
- Section 10 – provision relating to closing of meetings
- Meeting procedures, but needs to be consolidated
- Elections and democratic principles generally, however, election processes could be improved – see response to question 4 below
- Section 733 – exemption from liability – needs to be extended to cover coastal councils to limit potential exposure arising from climate change
- Delegations of authority, but needs refinement to reflect roles and responsibilities and facilitate the efficient and effective operation of councils
- The Act structure generally works well, but needs refinement to reflect integrated planning and reporting
- Disclosure of interests with some clarification and refinement
- Dictionary

The Taskforce also received feedback indicating that generally the Act worked well but would benefit from a review to make it more streamlined and coherent. For example

“The Associations believe the intent and the overall structure of the Local Government Act 1993 remain valid. We see no compelling reason to scrap the Act and start afresh with a blank canvass. However, the Associations believe that the legislation needs a major edit to assist it remain contemporary.”
(Submission 98 – Local Government and Shires Associations of NSW)

It is evident from the submissions and workshops there are several areas that should be elevated to greater prominence in the new Act. Perhaps the three essential areas are:

- The Charter
- Integrated Planning and Reporting
- Roles and Responsibilities

Charter

There was almost universal support that the Charter is an important part of the Act and should be retained. While there were a number of suggestions that the Charter would benefit from redrafting to be more principles-based and better reflect the current and future role of modern local government, it was apparent it was now providing valuable guiding principles for local government.

The Charter provides "an effective statement of purpose for Councils" (Submission 27 – Planning Institute of Australia, (NSW Division))

Integrated Planning and Reporting (IPR)

The value of IPR and the perspective that it should be given a more central place in the new Act was strongly echoed throughout the submissions and workshops. With few exceptions, both the workshops and the written submissions nominated IPR as working well.

"Integrated Planning & Reporting is the most important ideological change introduced to the sector since the formation of councils themselves. These provisions need to be brought forward within the Act to complement the provisions dealing with the councils' Charter." (Submission 83 - Waverley Council).

Suggestions were made for how the new Act could be structured around IPR and consequently how the Act could be more streamlined to reduce current inconsistencies and duplication in reporting and consultation requirements.

"While these provisions have worked well, a clear failure in their drafting is a lack of a clear linkage to councils' land use planning process" (Submission 44 – NSW Business Chamber)

Feedback was also received that consideration should be given to simplifying the requirements and processes of IPR, particularly in respect of smaller councils and county councils.

"Concept of integrated planning should remain and continue to develop but in a more streamlined way and one that integrates local government and State Government." (Submission 81 – Blue Mountains City Council)

Similarly, suggestions were made that council reporting and community consultation requirements generally could be streamlined and made more coherent by using IPR as the framework for the new Act.

Roles and Responsibilities

It was apparent from the workshops and the written submissions that the importance of having clear roles and responsibilities for councillors, the mayor and the general manager cannot be understated.

"The current Act provides a clear distinction between the roles of elected members and the General Manager and needs to be strengthened." (Submission 53 - Queanbeyan City Council)

The importance of clearly defining the role and responsibilities of elected representatives and the general manager is also reflected in other areas where feedback and submissions suggested the Act is not working well, such as the provisions relating to the appointment of senior staff and the review of the organisation structure.

There were various suggestions regarding refining the definition for the mayor and councillors so that it is reflective of the IPR framework.

iii) Are there areas in the Local Government Act that are working well but should be moved to another Act or into Regulations, Codes or Guidelines?

In considering this question, a frequently expressed view was the Act should be less prescriptive and more principles-based. It was felt that the Act should contain the “what”, with the “how” being contained in regulation, codes or guidelines. As one councillor expressed it *“I need to be able to tell the time not how to make the watch”*.

This view is tempered with the opinion that it is important local government has a degree of certainty and a concern that if the new Act is too flexible it could become ambiguous, subject to broad interpretation and thus result in councils becoming subject to disputes and potentially increased litigation.

The view was also expressed that by moving provisions working well into regulations, codes and/or guidelines it *“will become very difficult and tedious to work with a plethora of documents and it will only result in more confusion”*. (**Submission 100 – Penrith City Council**)

Nevertheless, there was general agreement that prescription in the Act should be minimised. **Table 7** lists the areas that were recommended to be moved to another Act or to regulations, codes or guidelines.

Table 7 – What could be moved into another Act, Regulation, Codes or Guidelines

- Elections
- Approvals
- Plans of management
- Pecuniary interest
- Section 68 approvals – manufactured homes; on site waste water; wood heaters
- Section 64 - water
- Public Land provisions
- Tendering
- Chapter 7 approvals could be transferred to Environmental Planning and Assessment Act
- Notices and orders transferred to Environmental Planning and Assessment Act and penalties rationalised under one Act
- Equal Employment Opportunity could be removed if section 122B of the *Anti-Discrimination Act 1977* is amended to include Local Government Authorities

iv) What is not working well in the Local Government Act (barriers and weaknesses) and should either be modified or not carried forward to the new Act?

This question elicited the largest response. Submissions varied from single issue submissions to detailed responses addressing each section of the current Act. It is not intended in this summary of submissions to deal with detailed recommendations for amendment of specific sections. Where relevant, the suggestions and submissions will be taken into account in the formulation of the new Act.

There were a number of areas that appeared on ‘both sides of the ledger’, namely in response to question ii) “What is working well” and to this question “What is not working well”. Generally these matters were supported in principle and should be retained but improvement, modernisation, clarification or simplification was needed.

Responses also included a general observation that there are overlaps and at times inconsistency between the Act and other legislation governing the operations and functions of local government, and that it would be beneficial if these could be resolved.

The following Table 8 lists the general topic areas, of those ideas and suggestions which were provided in response to this question. For a summary of the suggestions relevant to each topic area see Appendix 1.

Table 8 – General Topic Areas Identified in Submissions as Barriers or Weaknesses in the Act

<ul style="list-style-type: none"> • Public land • Acquisition of land • Tendering • Approvals • Orders • Councillor remuneration – Local Government Remuneration Tribunal • Expenses and facilities • Elections • Council Staffing 	<ul style="list-style-type: none"> • Public Private Partnerships and formation of corporations • Conduct • Revenue • Fees • Loans • Audit and risk management • Enforcement • Alcohol free zones and alcohol prohibited zones • Water management
--	---

CHAPTER 3 ELEMENTS OF A NEW LOCAL GOVERNMENT ACT

The purpose of this section of the Discussion Paper is to explore key elements of the Local Government Act and put forward proposals for comment on how these elements might be accommodated in the new Act. Table 9 below sets out the elements explored in this paper.

Table 9 – Elements of a New Local Government Act Explored in this Paper

<p>Part I - Guiding Principles for Local Government in NSW</p> <ul style="list-style-type: none"> ▪ Purpose of Local Government Act ▪ Role of Local Government ▪ Guiding Principles (Charter) ▪ Legal status of councils (includes establishment) <p>Part II - Strategic Framework for Local Government in NSW</p> <ul style="list-style-type: none"> ▪ Integrated Planning and Reporting ▪ Community Engagement <p>Part III - Council Operations</p> <ul style="list-style-type: none"> ▪ Governance Framework ▪ Financial practices ▪ Regulatory Functions ▪ Other functions <p>Part IV - Tribunals and Commissions</p>

The Taskforce considers that IPR should form the central theme for the new Act as the primary strategic tool that supports councils delivering to their communities. This is discussed more fully in section 3.2.1.

The above is not intended to be an exhaustive list of the contents of the new Act, but indicates the matters the Taskforce believes should comprise the key elements of new legislation.

The Taskforce has the view that the Act should focus on providing guiding principles for local government – the ‘why’ not the ‘how’ - and wherever possible prescription should be removed from the Act and relocated to another Act, regulations, codes or guidelines.

There are a number of topic areas, detailed in section 1.5 above, currently being reviewed by other agencies or groups, including the review being undertaken by the Independent Panel. Consequently, the Taskforce will not be able to consider these areas fully until these reviews are complete.

Part I – Guiding principles for a new Local Government Act

3.1.1 Purposes of the Local Government Act

Section 7 of the *Local Government Act 1993* defines the objects of the Act. The section has also been described as setting out the reasons for making the Act and its scope.

While no submissions were received regarding this section, it is the view of the Taskforce that this is an important provision of the Act as it:

- sets out the intention of the Act; and
- provides valuable assistance for interpretation of the provisions of the Act.

All other Australian and New Zealand jurisdictions have similar provisions.

The Taskforce reviewed current section 7 of the Act, applying the principles for streamlined, modern, enabling provisions where possible, and also taking into account the contents of the proposed draft 'charter/role of local government', which is discussed below.

Taskforce Proposal

3.1.1 The Taskforce proposes the following draft Purposes of the Act:

Table 10 - Proposed DRAFT - Purposes of the New Local Government Act

The purpose of this Act is to provide

- (1) a legal framework for the NSW system of local government in accordance with section 51 of the *Constitution Act 1902 (NSW)*
- (2) the nature and extent of the responsibilities and powers of local government
- (3) a system of local government that is accountable, effective, efficient and sustainable.

3.1.2 Role and Principles of Local Government

Section 8 of the *Local Government Act* "comprises a set of principles that are to guide a council in carrying out of its functions" (Introduction to Chapter 3 of the Act). The value and importance placed on the Charter was clearly evident from the feedback received during consultation.

Observations

The Taskforce recognises that the council's Charter is a crucial section of the Act. It provides the clearest message to councils and communities about what councils may do and the principles guiding their actions. It also sets the 'tone' for the Act and, implicitly, the nature of the local-State Government relationship.

However, it is also evident the Charter requires redrafting to be more principles-based and to better reflect the current and future role of local government in NSW. In its current form the Charter:

- casts councils as individual entities rather than partners in a broader local government system in which various partners, including the State Government, have a role
- lacks clear links to IPR as a strategic planning framework for achieving community outcomes

- casts councils more as service delivery agents rather than enablers and procurers, to meet community needs
- takes a 'one size fits all' approach in assigning the same role and functions to all councils
- lacks clear priorities – e.g. whether core/statutory functions/services be carried out prior to community enhancing functions/services
- lacks mention of priorities that may have emerged since the Act was written, such as providing for public assets and assessing risk
- is a mix of functions, principles and corporate objectives.
- lacks structure – it is an ad hoc mix of functions, principles and objectives with additional statements 'bolted on' over time
- includes some social groups but not others (for example: children and multiculturalism but not Aboriginal people)
- uses language that is outdated and too complex, including possibly the term 'Charter' itself.

Considerations

Having considered the importance and value of the Charter, the Taskforce is of the view that the Charter should be replaced by the Role and Principles for local government. This will reflect local government as part of a broader system that works strategically and in partnership to ensure efficient and effective services and infrastructure that improves outcomes for communities.

The Taskforce is of the opinion that the revised Role and Responsibilities should include the following elements:

- a definition of the role of local government to achieve community outcomes by:
 - working in partnership with the State Government and others
 - effectively and efficiently leading and serving the local community
- clearer linkages to IPR by introducing underlying principles about strategic capacity and long-term sustainability
- restructure the charter by separating it into two sections as follows:
 - Role of local government as a system and how this is fulfilled
 - Guiding principles to be observed by local government
- clarifying and updating the Charter as outlined above utilising succinct and modern language

The Taskforce also considers that councils should retain a general autonomy, subject to limitations, to provide the services and infrastructure identified, via the IPR framework, to meet the needs and expectations of their communities.

Taskforce Proposal

- 3.1.2** The Taskforce proposes the inclusion of a new Role of Local Government and a set of Principles for Local Government that will replace the Charter in the new Act:

Role of Local Government

The role of local government is to lead local communities to achieve social, economic and environmental well being through:

- i) utilising integrated strategic planning
- ii) working in partnership with the community, other councils, State and Commonwealth governments to achieve outcomes based on community priority as established through Integrated Planning and Reporting
- iii) providing and procuring effective, efficient and economic infrastructure, services and regulation
- iv) exercising democratic local leadership and inclusive decision-making

Principles of Local Government

Principles to be observed by local government are to:

- i) provide community-based representative democracy with open, unbiased and accountable government
- ii) engage with and respond to the needs and interests of individuals and diverse community groups
- iii) facilitate sustainable, responsible management, development, protection and conservation of the natural and built environment;
- iv) diligently address risk and long-term sustainability;
- v) achieve and maintain best practice public governance and administration, and to act fairly, responsibly, ethically, and in the public interest; and
- vi) optimise technology, and foster innovation and flexibility.

3.1.3 Constitution of councils

A council is a legal entity established by NSW statute. The current Act constitutes a council as a 'body politic of the State' with perpetual succession and the legal capacity and powers of an individual (section 220). Prior to amendment in 2008, councils had the status of 'body corporate' (i.e. corporation).

While the Taskforce notes the request by Local Government NSW to return councils to 'bodies corporate', the Taskforce has not been presented with compelling evidence for the need to do so at this time.

3.1.4 Roles and Responsibilities

Councillors as the elected representatives comprise the governing body of councils. The Act sets out the role of the governing body "*to direct and control the affairs of the council in accordance with this Act.*" (s223). The Act also defines the role of the mayor, councillors and the general manager.

It was clear from the feedback received by the Taskforce that it is vital to clearly define the different roles and responsibilities of the councils governing body, mayor, councillors and general manager. In particular, it was evident there is a general view that the Act should more clearly define the separation of responsibility of the councillors/council governing body for setting the strategic direction and policy of the council and the responsibility of the general manager as accountable to the governing body for implementation of strategy and policy and the operational activities of the council.

The Taskforce is aware that the Independent Panel is reviewing the role of the mayor and accordingly defers consideration of this matter.

Part II – Strategic Framework for Local Government in NSW

3.2.1 Integrated Planning and Reporting

One of the principal roles of local government is to exercise strategic leadership. It does this by the development and implementation of strategic plans designed to achieve social, economic and environmental wellbeing for the community. The primary tool by which local government exercises this role is IPR.

In 2009, IPR was introduced into the Local Government Act as a strategic tool to help councils to implement their roles of leadership, advocacy and service provision for local communities. Through the use of reporting to the community it strengthens accountability. Used to its best potential, IPR assists in strengthening the long-term sustainability of councils.

The object of IPR is to *“improve long-term strategic planning and resource management by local councils.”* And *“mandate an improved system of planning for local government so that councils can focus on their top priority – providing better services to their communities.”* (Local Government Amendment (Planning and Reporting) Bill 2009 – second reading speech of Minister Perry)

IPR requires councils to engage with local communities and other partners, including the State Government, to plan strategically and implement actions that lead to sustainable positive social, economic, environmental and civic leadership outcomes.

Diagram 1 – Diagrammatic representation of the IPR Framework (Division of Local Government 2013 – Integrated Planning and Reporting Guidelines for Local Government in NSW)



This framework enables councils to reposition themselves from the role of 'service provider' to a more 'facilitating' or 'place-shaping' role. It introduces the concept of a broader local government system, where councils work in partnership with others, including other levels of Government, to deliver better community outcomes.

The Act currently prescribes, in detail, the requirements for councils to prepare, maintain and implement:

- a long-term Community Strategic Plan
- a Resourcing Strategy (including long-term asset management, financial and workforce plans)
- a Delivery Program outlining the activities a council will undertake during its four-year term to meet community needs identified in the CSP and within available resources.
- an Operational Plan (outlining in more detail what councils will do over the upcoming/current year including a budget)
- an Annual Report
- an 'End of Term' Report.

While the provisions of IPR include some detailed processes, the framework is designed to be flexible so that implementation can be tailored to the capability and needs of individual councils.

Observations

It is evident from consultation feedback (Section 2.2 above) that IPR is strongly supported by the local government sector. Furthermore, suggestions were made that IPR should be more central to the Act and reflected in other sections of the legislation, such as in the Charter and roles and responsibilities provisions.

Because IPR was not introduced until 2009 the provisions are buried in the chapter of the Act on accountability, rather than being integrated through the Act. Consequently IPR provisions currently do not fit well in the Act, which is structured around processes and procedures, with councils as 'service/function providers' rather than place-shapers focused on outcomes for the community.

The current Act treats councils as individual entities and does not recognise and support the role of councils in regional and State planning as contemplated by the IPR framework.

Consequently, the Act can be seen to discourage regional collaboration and limit the ability of councils to work in partnership to deliver community outcomes. For example, the Act places limits on the power of Regional Organisations of Councils to provide services.

There is also an apparent disconnection between IPR and other statutory functions undertaken by councils such as land management and environmental planning, as well as a perceived, regulatory burden from duplicated processes.

While the feedback supported IPR, there were suggestions it could be simplified and streamlined. It is evident that IPR is perceived by some councils as lacking flexibility and placing too high a regulatory burden on councils with fewer resources. For example, given that councils are required to prepare an Annual Report the requirement to also prepare an End of Term Report appears a duplication.

Taskforce Proposal

3.2.1 The Taskforce proposes that:

- (i) IPR be elevated to form a central 'plank' of the new Act as the primary strategic tool to enable councils to fulfil their leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government.
- (ii) other provisions of the Act be drafted so as to better support IPR including accountability to the community, financial sustainability and partnership with the State and others to deliver community outcomes.
- (iii) where possible relevant provisions from other sections of the Act be incorporated into IPR to reduce duplication. For example, capital planning and expenditure approval provisions could be moved to the IPR resourcing strategy provisions; and community consultation processes should reflect IPR community engagement principles and need not be repeated throughout the Act.
- (iv) the IPR provisions be simplified to increase flexibility for council to deliver IPR in a way that is locally appropriate.

3.2.2 Community Consultation and Engagement

Background

Community engagement is an integral requirement of IPR as the key mechanism by which councils identify community priorities to form the basis of the Community Strategic Plan. It is a requirement of IPR that all councils prepare and implement a Community Engagement Strategy.

There are other matters where councils are required to consult with their constituents and facilitate feedback and comment.

Currently there are many Act provisions requiring different forms of consultation and engagement between councils and their community, and on occasion, Ministers and State agencies.

Observations

The Taskforce considers that this highly regulatory approach is unnecessary in many instances and is contemplating a set of guiding principles for consultation and engagement that could be synchronised with the IPR Framework.

Taskforce Proposal

3.2.2 The Taskforce proposes the following set of principles to guide councils regarding how consultation and engagement might occur:

- commitment to ensuring fairness in the distribution of resources (equity); rights are recognised and promoted (rights); people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life (access); and people have better opportunities to get involved (participation)

- ensuring that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the consultation and the scope of the decision(s) to be taken
- ensuring that interested persons have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format
- ensuring that the views presented to the council will be given due consideration
- ensuring that council, in exercising its discretion as to how consultation will proceed in any particular circumstance, has regard to the reasonable expectations of the community, the nature and significance of the decision or matter, and the costs and benefits of the consultation process
- arranging for special consultative procedures in particular instances.

3.2.3 Technology

Background

Since the Act was written in 1993, technology has rapidly developed and is now a valuable mechanism used by councils to connect with their communities and more efficiently and effectively deliver services and undertake operations.

The Act currently prescribes certain procedures councils must follow to undertake important communication processes. Technology is prescribed for matters that can be broadly grouped as:

- Governance, for example, council meeting procedures including attendance in person, election procedures including voting in person
- Public notice, for example, of draft policies, plans, codes and annual reports, requests for tender and senior staff positions
- Statutory transactions, for example, transmission of rates notices, notification of nomination as a candidate for election.

Prescription relating to utilisation of technology tends to be about:

- Communication mode/medium, for example attendance at council meetings must be in person, advertising must be via a local newspaper, boundary changes must be gazetted, transmission of rates notices must be via mail/email
- Communication timeframes, for example minimum times for advertising, rates notices must be served annually or quarterly.

Observations

The need for the Act to better enable the use of technology by councils is evident from the feedback received. At the workshops and through formal written submissions examples were provided illustrating how the Act inhibits use of current technology by local government and where requirements are onerous, expensive and constraining.

The Taskforce also received suggestions and proposals for how this issue could be addressed. Some areas where it was suggested that the utilisation of e-technology would be valuable included recruitment, tendering, community engagement, data management, and in certain circumstances the attendance and participation of councillors at council meetings.

It is evident to the Taskforce that the prescription in the Act has not kept pace with advances in technology and inhibits its effective and efficient use by councils because it:

- is inflexible and limiting
- creates unnecessary red tape, time delays and expense
- creates competitive disadvantage
- does not allow councils to take advantage of technological advances
- creates disincentives for councils to be innovative
- is contrary to current government policy direction towards autonomy of local government.

A less prescriptive Act that focuses on outcomes and identifies principles would be more adaptable to technological change and allow councils to use the most effective means available to achieve those outcomes.

Requirements to use certain technology does not recognise council expertise in community engagement and may discourage councils from considering use of more innovative technology, such as for example social media.

The use of technology must be balanced against the need to ensure minimum standards for transparency and accountability are maintained for:

- high risk processes (for example meeting and election procedures)
- critical documents (for example draft strategic/operational plans, annual report)
- matters the community cares about (for example fees/charges, public assets).

An example of an area where there is some debate regarding the appropriateness of the utilisation of technology relates to the current requirement that councillors must attend council meetings in person. Suggestions were received that remote attendance at council meetings by councillors and officials should be allowable in certain circumstances, particularly in rural and regional areas and/or in times of natural disaster such as flooding or bushfire.

Advantages of allowing remote attendance at council meetings include reduced costs to council; less travel time for councillors; and increased accessibility especially in times of natural disaster. Possible disadvantages could be that participation may be less effective and confidentiality of closed meetings might be compromised.

However, in utilising technology it is important that councils ensure that this does not result in reduced access to council services to those members of the community that do not have access to, or the ability, to utilise modern technologies, and that the need to maintain requisite security and confidentiality is managed.

Taskforce Proposal

3.2.3 The Taskforce proposes that:

- (i) as a general principle the Act should support the optimal and innovative use of technology by councils to promote efficiency and enhance accessibility for the benefit of constituents.
- (ii) the Act allow each council to determine the most appropriate use of technology taking into account the principles for local government and community engagement through the IPR framework discussed above.

Part III – Council Operations

Governance Framework

The Taskforce consultations revealed a general consensus that local councils should be generally autonomous, subject to any legislative restriction. However, this was balanced by the principle that local government should exercise its power within a strong governance and administrative framework which facilitated councils acting fairly, responsibly, ethically, and in the public interest.

The Act is the principal element of the governance framework for local government in NSW, setting the foundations for councils operations and on which councils can build a localised policy structure.

The following sections address some of the main elements of this governance framework that are presently prescribed by legislation.

3.3.1 Elections

Background

A guiding principle for local government in NSW is representative democracy, achieved through the election of the members of council's governing body (the councillors), by the local community.

It is critical that the mode and term of election is appropriately enshrined to ensure there is community confidence that elections are ethical, fair and unbiased.

Chapter 10 of the current Act deals with the election of persons to civic office.

The Act currently provides for:

- the qualifications for civic office
- the term of a council (4 years)
- eligibility to vote
- the voting system (preferential where one position must be filled and proportional where two or more positions must be filled)
- councils to choose whether to conduct elections or to engage the NSW Electoral Commissioner (except in the City of Sydney where the Electoral Commissioner must prepare the non-residential roll)
- councils to choose whether to conduct elections or to engage the NSW Electoral Commissioner
- elections to be administered by the general manager of the council or the NSW Electoral Commissioner

The current regulatory approach to elections is highly prescriptive given that the nature of elections calls for clarity and certainty in application and interpretation.

On 1st June 2010, the NSW Parliament Joint Standing Committee on Electoral Matters reported on its inquiry into the 2008 local government ordinary elections.

The report contained 16 recommendations and one finding. Four of the Committee's recommendations directly related to the Local Government Act:

1. Recommendations 2(a) and 2(c) – that the Act be amended to require the NSW Electoral Commissioner to provide a report on each set of local government elections. [Note: this is already an administrative practice adopted by the Commissioner]

2. Recommendations 9(a) and 9(b) - which concern non-residential rolls of electors. Electoral rolls are governed by sections 298-305 of the Local Government Act. However no legislative amendment was proposed.
3. Recommendation 10 – that the witnessing requirement for Candidate Information Sheets (which must accompany candidate nomination forms) be discontinued. This is a requirement of section 308 of the Act.
4. Recommendation 11 – that the Local Government Act be amended to allow optional universal postal voting.

Observations

From the feedback received during consultation it is apparent that there is general support for local democracy and the election of local representatives. However, it was also clear there are a number of matters related to elections that are considered not to be “working well”. Suggestions were made for improvement to the current elections provisions including:

- the most appropriate voting system – exhaustive preferential; optional preferential; proportional, or first past the post
- support for the introduction of postal voting, particularly for by-elections and if possible the option of electronic voting
- mechanisms for removing the need for by-elections when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election
- suggestions for half term elections for councillors, similar to Senate elections
- suggestions that division of councils into wards be abolished;
- suggestions to improve the adequacy of, and access to, candidate information prior to elections
- concern about the enrolment process and maintenance of the non-residential roll, particularly in the City of Sydney

There was support to enact a separate Elections Act incorporating the requirements currently found in the Local Government Act and the General Regulation, together with those of the Parliamentary Electorates and Elections Act. This would consolidate State and local government election processes in one principal Act and would be consistent with the terms of reference of the Taskforce, to recommend what matters can be streamlined or transferred to other legislation.

The Taskforce notes that the NSW Parliament Joint Standing Committee on Electoral Matters is currently conducting an inquiry into the September 2012 Local Government Elections and the Committee’s final report is due by 30 June 2013. See also Chapter 4 for discussion of election issues relevant to the City of Sydney.

Taskforce Proposals

3.3.1 The Taskforce proposes:

- (i) use of postal voting at all council elections as a means of increasing efficiency and voter participation and reducing council election costs.
- (ii) the following possible improvements to electoral provisions:
 - the most appropriate voting system – exhaustive preferential; optional preferential; proportional, or first past the post
 - the option of utilising electronic voting in the future

- mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary election or up to 18 months prior to an ordinary election
- half term elections for councillors, similar to Senate elections
- the ward system being abolished
- improving the adequacy of and access to candidate information prior to elections
- the enrolment process and maintenance of the non-residential roll, particularly in the City of Sydney

3.3.2 Meetings

Background

Council meetings are the central mechanism through which councillors exercise their decision making function. It is critical that meetings are conducted efficiently, fairly and effectively and are open to the public.

As evidenced from the consultation process it is an important principle that local government is open, unbiased and accountable. Meetings management is an important part of achieving this principle.

While legislation sets out certain procedures that must be followed in council and committee meetings, beyond this meeting procedures vary between councils. These differences usually reflect local practices and priorities.

Rules and procedures for conducting council meetings are found in Chapter 12 of the Act, the Regulation, the Model Code of Conduct for Local Councils in NSW, the Guidelines for the Model Code of Conduct for Local Councils in NSW, and the council's Code of Meeting Practice.

The Meeting Code is required to be determined by the council after public consultation. The code must not be inconsistent with the Act, the Regulation or the Model Code, but it can 'fill in the gaps'.

Observations

Meeting procedures is a component of the Act that was identified in the consultation process as working well, although there were suggestions that some provisions could be consolidated.

Given the importance of council meetings and the feedback generally that meeting procedures are working well, the Taskforce does not consider it necessary to make any changes to the relevant provisions in the Act. However, it is considered appropriate to review the provisions for the purpose of consolidation and some simplification.

The Taskforce is interested in the proposal that a standard model Code of Meeting Practice be developed for adoption by all councils which councils may supplement with local components, provided the amendments are not inconsistent with the provisions of the Act and standard Code.

Taskforce Proposal

3.3.2 The Taskforce proposes:

- (i) the provisions relating to council meetings be:
- reviewed, modernised and any unnecessary prescription and red tape removed,
 - designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access; and
 - consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice.

3.3.3 Appointment and Management of Staff

Background

The general manager and council staff have primary responsibility of implementing council's delivery program and ensuring that council operations comply with the regulatory framework and the policies and procedures set by council's governing body.

As public entities it is essential the community has confidence that the appointment of staff is an open and unbiased process and that council has an appropriate workforce resourcing strategy.

Chapter 11 of the Act addresses matters relating to staffing of councils. The current regulatory approach is a mix of broad policy statements and prescriptive procedural requirements.

Feedback suggests that the separation of powers of councillors and council staff and clarity of roles and responsibilities are important principles that should underpin the local government framework.

Submission comments and suggestions relating to employment included:

- The requirement for councils to review the organisation structure within 12 months of taking office is ambiguous, does not fit well with IPR requirements and causes uncertainty regarding the roles and responsibilities of the general manager and the council in regard to staffing.
- Issues relating to security of tenure for general managers under the standard form of contract; the role of the elected council in the appointment of senior staff; and the setting of remuneration for general managers.
- Equal Employment Opportunity could be removed if section 122B of the *Anti-Discrimination Act 1977* was amended to include local government
- Advertising provisions are too prescriptive, inflexible and outdated.
- Merit selection requirements for limited-term appointments are considered unnecessarily restrictive and onerous, and the time limit for temporary appointments of 12 months was too restrictive.
- Provisions relating to staff protection in the event of council amalgamations - some submissions proposed that the current time limit for retaining staff after amalgamation should be reduced from three years to one year. There were differing views on this matter. Local employment, particularly in rural areas, is very important to the economy of the local community and therefore the three year protection should be maintained. This matter is being considered by the Independent Panel.

Observations

There are a number of provisions of the Act impacting employment. This discussion focuses solely on those provisions where specific issues have been identified in submissions.

There appears to be confusion and lack of clarity around the specific responsibilities of the council in relation to determining the organisation structure of council.

Some councils interpret their responsibilities as being more strategic, in terms of determining the functions that council should perform, whereas others interpret their role as being more operational and are of the view that they should determine every position within the organisation including being involved in recruitment or creating positions to support elected representatives.

There is some confusion regarding the determination of senior staff positions. The determination is based on two criteria, roles and responsibilities and remuneration. The Act states that *"a council must determine those positions within the organisation structure that are senior staff positions"*. However, there is uncertainty as to whether the council is obliged to deem all positions that meet this criteria as senior staff positions.

There is a perception that it is open to council to treat a position as non-senior even if it meets the specified criteria. From a public policy perspective, where a position carries certain responsibilities and receives a high level of remuneration, it should be classified as a senior position and include a higher level of accountability than would normally apply to council staff.

The Act prescribes that *"the general manager may appoint or dismiss senior staff only after consultation with the council"*. The interpretation of consultation varies from council to council, with some extrapolating that the council decides whether a person is appointed or dismissed.

There is a requirement in the Act that the general manager report annually on the contractual conditions of senior staff. However, given that senior staff should be on standard contracts and remuneration is reported in the annual report, it is unclear why a specific report is necessary.

The Act prescribes that *"the general manager is to designate a member of staff as the public officer"* to deal with requests for information among other responsibilities. Given the range of external regulatory responsibilities a council is required to satisfy, such as public access to information (GIPA) and coordination of nominated disclosures, it should be open to each council to determine how it deals with these responsibilities.

The Act contains a specific part relating to EEO. However, as EEO should be incorporated into the council's Workforce Strategy and is covered by other legislation including the *Anti-Discrimination Act 1997*, to avoid duplication, EEO may be better incorporated into an IPR Framework section.

The Taskforce notes that, as part of the Destination 2036 Action Plan, a working party to examine general manager and senior staff contracts has been established consisting of representatives from the Division of Local Government, Local Government NSW, Local Government Managers Association, United Services Union, and the Development and Environmental Professionals' Association.

Taskforce Proposal

3.3.3 The Taskforce proposes:

- (i) the strategic responsibilities of the council be clearly separated from the operational responsibilities of the general manager in determining the council's structure and be aligned with IPR by:
 - the general manager being responsible for determining the organisation structure and for recruiting appropriately qualified staff necessary to fulfill each role within the structure
 - the council being responsible for determining those services and priorities required and to provide the resources necessary to achieve the Council's Delivery Program, and
 - the general manager being responsible for the employment of all staff and there be no requirement for the general manager to consult with the council in relation to appointment and dismissal of senior staff.
- (ii) all positions meeting the criteria as a senior staff position be treated as such, appointed under the prescribed standard contract for senior staff, identified as a senior staff position within the organisation structure, and the remuneration be reported in the council's annual report.
- (iii) in line with the principle of reducing prescription:
 - each council to determine how it deals with regulatory responsibilities that fall outside of the Local Government Act, rather than prescribe the appointment of a Public Officer; and
 - the EEO provisions be incorporated with the IPR processes and procedures
- (iv) the current prescription in the Act relating to the advertising of staff positions and staff appointments be transferred to regulation or to the relevant industrial award.

3.3.4 Formation and Involvement in Corporations and Other Entities

Background

From time to time councils may wish to form a company or other entity to provide council services, to manage resources, or as a means of sharing resources between councils.

Section 358 of the Act prevents councils from forming or participating in the formation of a corporation or other entity except with the consent of the Minister and subject to conditions that the Minister may specify.

The definition of other entities is extremely broad and includes "*any partnership, trust, joint venture, syndicate or other body (whether or not incorporated)*" (s.258 (4)).

In granting approval, the Minister must be satisfied that the formation of a company or other entity is in the public interest. The Act does not include guidance in respect of the public interest. However, the Division of Local Government has issued a circular addressing this issue.

Observations

Concerns were raised regarding the requirement to obtain ministerial consent to form corporations and other entities; the constraints on council ability to enter into resource sharing or shared services arrangements; and the inhibiting of investment and/or participation in initiatives such as research partnerships; for example, Co-operative Research Centres are often established as a corporation; infrastructure investment such as recycled water schemes; and participation in ROCs.

The feedback did not specifically address why the requirement to obtain ministerial consent posed such an obstacle to council activities. The Taskforce understands that very few applications are made to the Minister each year (on average only 2-4) of which approximately 85% are approved.

A corporation or other entity formed by council will not be subject to the same legislative framework and level of public scrutiny and accountability as the council. Furthermore, employees of such an entity will not be covered by the same employment conditions as employees of councils.

It is reasonable that councils are subject to a degree of scrutiny when deciding to form a corporation or other entity. The Taskforce notes that, while under the current regime councils are required to obtain the consent of the Minister, there is no obligation to consult with the community on these proposals. There would appear to be an opportunity to include such proposals in the IPR process.

The Taskforce acknowledges that there may be times when it is in the public interest for councils to form corporations, for example, to facilitate collaboration, resource sharing or shared services between councils.

The Taskforce is aware that the Independent Panel is considering options for governance models and structural arrangements for local government. It is reasonable to expect that options proposed by the Independent Panel may require councils to be involved in new entities, which will need to be supported by the Act.

Taskforce Proposal

3.3.4 The Taskforce proposes to defer further consideration of this component of the legislation until the work of the Independent Panel is completed.

3.3.5 Protection from Liability

Protections from liability

A council may sue and be sued subject to the limitations and protections contained in the Act (e.g. section 731 which limits the personal liability of councillors and others when acting in good faith).

The Taskforce is satisfied that these provisions are currently working well. One suggestion for change relates to a request for exculpation from liability of councils and council officials for actions taken relating to sea level change. It is understood that this matter is part of broader coastal issues currently under consideration by the NSW Coastal Ministerial Taskforce.

3.3.6 Code of Conduct

Background

The Code of Conduct is an important element of councils' governance framework. It underpins the principle of councils maintaining best practice public governance and acting fairly, responsibly, ethically, and in the public interest. The Taskforce received a number of submissions regarding the Code of Conduct, most of which related to the inappropriate use of the Code.

Observations

Legislative amendments have recently been made to the councillor misconduct provisions of the Model Code of Conduct with the purpose of:

- giving councils greater flexibility to informally resolve less serious matters. It provides larger penalties to help deter ongoing disruptive behaviour and serious misconduct.
- introducing greater fairness. The investigation of all complaints about councillors and general managers is now entirely managed by an independent conduct reviewer.
- addressing misuse of the code. Minor changes have been made to standards previously covered by the code.
- introducing clearer procedures to help make the code easier to understand and use.
- giving the Division of Local Government more options to directly manage administration of the code and address its misuse. The Division and the Local Government Pecuniary Interest and Disciplinary Tribunal will be able to impose stronger penalties for repeated misconduct.

It is expected that these changes will assist councils progress the core business of serving their communities and will address most of the issues raised with the Taskforce at workshops and in submissions.

Taskforce Proposal

3.3.6 The Taskforce is not proposing any changes to the conduct provisions of the Act.

3.3.7 Pecuniary Interest

Background

As with the Code of Conduct, the pecuniary interest provisions of the Act are designed to support the principle of best practice governance, councils acting ethically, and in the public interest. The provisions support the principle of open, unbiased and accountable government.

Observations

The Taskforce received little if any feedback on these provisions. However, the current provisions are prescriptive and in some instances difficult to understand.

Taskforce Proposal

3.3.7 The Taskforce proposes that:

- (i) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and any unnecessary red tape removed.
- (ii) consideration be given to utilising available technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information.

3.3.8 Delegations

Background

Delegations of authority are an important component of the governance framework of any corporate entity. Councils may, by resolution, delegate to the general manager or any other person any of the functions of council other than those functions set out in section 377 of the Act.

Observations

It was evident from the workshops and submissions that the ability of council to delegate functions is essential for its efficient operation. However, suggestions were received that the list of matters precluded from delegation was in need of review to ensure that they aligned with the relevant roles and responsibilities of the council's governing body and general manager.

In some circumstances it was suggested the current delegations are hampering the efficient operation of council. Examples given included the limitations on delegations of:

- “a decision under section 356 to contribute money or otherwise grant financial assistance to persons” (s377(1)(q)) is not reflective of the risks associated with these decisions; and
- the acceptance of tenders (s377(1)(i)) – see the discussion on Procurement, section 3.3.10.

Taskforce Proposal

3.3.8 The Taskforce proposes that the provisions in the Act relating to delegations be reviewed to ensure they are streamlined; written in plain language; and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.

Financial Governance

3.3.9 Financial Management

Background

In broad terms there are three places that the financial management and governance of councils is regulated within the current Act.

- IPR (Chapter 13, Part 2 and associated guidelines) – councils are required to have certain planning documents which may (either wholly or in part) be financial planning tools. These include the resourcing strategy (including long term financial plan), delivery program and operational plan.
- Financial Management (Chapter 13, Part 3) – Provisions relating to council's funds, accounting records, financial reporting and auditing, which are usually prescriptive and focused on process outcomes and requirements.
- How Councils are Financed (Chapter 15) – Provisions focusing on the various aspects of council finances, such as rates, user charges, fees, concessions, which at times provide a high level of process detail.

The Taskforce received substantial feedback on the issues of rates and in particular rate pegging, and other matters such as concession for charities and religious bodies and the like, the setting of fees and charges, and audit and risk management.

The Taskforce acknowledges these comments and notes the concern regarding rate pegging and the mechanisms associated with seeking special rate variations. However, the Taskforce is aware the Independent Panel is considering these matters and fiscal responsibility generally. Accordingly, consideration of these matters has been deferred pending the finalisation of the Independent Panel report.

Observations

The current financial governance and management provisions create a highly prescriptive, process driven framework that is not necessarily clearly aligned with IPR.

For example, provisions relating to public notice of certain types of fees and charges exist outside of the context of the community engagement that occurs under the auspices of IPR. Linkages occur in practice because of the use of various guidelines but there is scope for much closer integration.

It is not clear the extent to which the current framework reflects financial best practice. For example, the current provisions require councils to have prepared and finalised their financial statements within four months of the financial year. Many jurisdictions now consider three months a more realistic benchmark.

Some councils argue that the restrictive nature of the provisions being based around process are an impediment to best practice financial management. There may be merit in the view that, by focusing on process, the financial and risk management goal of the provisions, is overlooked.

Because the legislative framework is largely concerned with financial process it is difficult to assess the extent to which the legislation improves financial risk management. Compliance with the legislative provisions does not necessarily ensure that robust financial management systems are in place.

An alternative model would see a greater focus on establishment of principles of financial management and governance, with detailed provisions located in other regulatory instruments.

Although such an approach is only on financial risk and management, a systems approach may be taken to other issues including regulatory management, council governance, and the interaction between the various sections of a council. It could also enable more effective monitoring of council performance.

Taskforce Proposal

3.3.9 The Taskforce proposes:

- (i) there be greater scope for a focus on principles and the definition of financial systems/minimum standards within a new legislative framework and for assimilation with the mechanisms of IPR in line with frameworks proposed for other parts of the legislation.
- (ii) there be a rebalancing of the regulatory focus of the legislative framework towards systems and risk management rather than process prescription.
- (iii) to await the Independent Panel work on many of the issues associated with fiscal responsibility including: rating issues; asset and financial planning; rates and charges; management of expenditure; and audit practices before recommending legislative positions on these matters.

3.3.10 Procurement

Background

Councils are responsible for procuring a wide range of services and infrastructure to fulfil their roles and functions. Being responsible for the expenditure of public monies it is essential that the principles of efficient, effective and economic operations are observed and underpinned by the need for councils to be open and accountable and to act fairly, responsibly, ethically and in the public interest.

The Act and Local Government (General) Regulation (the Regulation) currently require councils to undertake tenders for contracts for the supply of goods and services above a threshold of \$150,000.

The current regulatory approach is highly prescriptive, reflective of the compliance focus of the Act. The provisions in the Regulation are primarily aimed at ensuring impartiality, confidentiality and transparency in the tendering process.

The Act and Regulation apply a one size fits all model, which limits councils from taking a strategic, risk based approach to procurement.

Furthermore, the Act provides for councils acting as individual entities rather than in collaboration with a broader local government system in which various partners, including the State Government and regional organisations of councils (ROCs), potentially have roles.

Observations

Consultations and submissions confirmed it is important that local councils are accountable, open and transparent in the way in which they conduct their business, and that the risks of fraud and corruption are minimised.

Key issues raised in relation to the current tendering provisions are:

- the low level of the current tendering threshold of \$150,000;
- obstacles to councils utilising modern technology in tendering processes resulting in decreased efficiency and effectiveness and avoidable costs to councils. For example, advertising requirements were identified as onerous and costly;
- constraints on the ability of councils to engage in regionally-based procurement arising from the delegation provisions of the Act;
- concerns that tendering should be an operational matter and reported to Council on an exception basis;
- the level of prescription in the Act which perhaps should be moved into regulations, codes or guidelines; and
- the possible benefits of aligning local government procurement with the State Government procurement framework.

Other issues with the current tendering provisions include:

- a 'one size fits all' approach, which is seen as limiting councils' ability to adopt flexible and strategic approaches to procurement, and may allow smaller councils to undertake procurement for a segment of their budget without any accountability measures;
- limited accountability for procurement undertaken by councils:
 - where the contract value is below the tendering threshold (but may still be of material value); and
 - where the circumstances are exempt under the provisions of the Act (such as public private partnerships, extenuating circumstances, remoteness of locality – see s55(3) for list of exemptions);
- lack of a requirement for a broader system of financial management that requires councils to take into account risk management and best value procurement principles, and providing services in-house (for example capital expenditure on infrastructure), providing financial assistance, imposing appropriate fees for services, and the disposal of valuable land, plant or equipment.
- the current delegation provisions constrain the ability of councils to:
 - delegate the function of accepting tenders as an operational matter; or
 - undertake regional procurement, via for example ROCS (due to the need for each council to separately approve tenders, and limits on councils' ability to form companies)

It is evident that the current procurement framework is highly prescriptive, inflexible and does not support the modern operations of councils.

A review was undertaken of procurement frameworks utilised in other jurisdictions, in particular frameworks use in Queensland and Victoria. Consideration has been given to the application of broader financial management principles to procurement. For example, in Queensland, councils are required to adopt a system of financial management, and to have policies that take into account risk management and market assessment.

This could form the foundation of a principles-based enabling approach to procurement with a medium level of regulation, which the Taskforce considers would be appropriate having regard to the public desire to have secure accountability measures for the spending of public money. Consideration could be given to linking the level of regulation imposed on councils to some form of accreditation.

Victorian regulation requires risk management to be taken into account in council procurement policies. Furthermore, Victoria has adopted some best value provisions in their local government regulation, which require councils to comply with best value principles in the provision of services such as:

- meeting quality and cost standards developed by each council for the provision of services;
- being responsive to the needs of the community, including regularly consulting and reporting to the community on the services it provides
- being accessible to the community; and
- achieving continuous improvement in the provision of services for the community.

In applying best value principles, Victorian councils must also take into account factors including the need to review services against the best on offer in both the public and private sectors and an assessment of value for money in service delivery (*Local Government Act 1989* (Vic), Part 9, Division 3, ss208A-J).

Taskforce Proposals

3.3.10 The Taskforces proposes:

- (i) the adoption of a more principles-based enabling approach to procurement combined with a medium level of regulation designed to ensure support of the principles of value for money, efficiency and effectiveness, probity and equity, and effective competition.
- (ii) in relation to the current tendering threshold of \$150,000 rather than the legislation setting a dollar value threshold a more flexible principles-based approach be taken to councils setting the threshold based on risk assessment of the proposed procurement.
- (iii) the delegations section of the Act be reviewed to facilitate councils entering into collaborative procurement arrangements such as via ROCs and allowing councils to delegate procurement to general managers with a 'report back' mechanism.
- (iv) any regulation of council procurement support councils utilising available technologies that can assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent.

3.3.11 Capital Expenditure Framework

Background

Capital expenditure accounts for a significant proportion of the budget of all councils in NSW and is an important category of procurement and asset management. The Act provides a broad capital expenditure framework for councils constructing, renovating or acquiring assets and currently ranges from high level strategic oversight through the IPR provisions to sections governing the oversight of certain capital expenditure processes.

Capital expenditure provisions are generally prescriptive, detailed and compliance-focused while there are requirements under IPR to develop an asset management strategy and asset management plans (s403), section 23A guidelines on capital expenditure reviews, and provisions of the Act and Regulation relating to tendering (s55).

Observations

The following issues with the current capital expenditure regime have been identified:

- The capital expenditure provisions in the Act and the relevant guidelines are not currently well integrated.
- The section 23A guidelines are not mandatory and councils have been known to commence capital expenditure projects prior to sign off of completion of the capital expenditure review by the Division of Local Government.
- The monetary and rate revenue thresholds in relation to capital expenditure projects do not take into account capability of councils or the size of their capital budget.
- It is not clear whether the current regulatory framework is helping to improve council's management of the risk or delivery of capital expenditure projects to best ensure consideration of probity, transparency and accountability in the expenditure of public funds for public purposes.

Asset management across the local government sector is mixed with a high degree of divergence in terms of capability and capacity. This includes matters of planning and managing capital procurement.

There is a strong desire at all levels of government for improved infrastructure management and delivery within councils, as evidenced by the introduction of mandatory asset management strategies, government investment in the Local Infrastructure Renewal Scheme and the current infrastructure audit.

Some councils are taking only a compliance-based approach to asset strategy development and planning, possibly due to capacity and capability constraints. The Taskforce understands that these matters are being considered as part of the infrastructure audit.

An alternative may be to better enable councils to leverage off IPR to ensure a clear focus on asset planning, community needs, and whole of asset life costs coupled with assisting councils place greater rigour around their capital procurement and expenditure systems. This could help ensure that councils have the requisite skills to undertake procurement projects and the financial capacity to manage projects and ongoing maintenance of the assets.

Such a model would cast the State in the role of assisting councils build capability and capacity while ensuring appropriate risk management systems are in place.

Taskforce Proposals

3.3.11 The Taskforce proposes:

- (i) that a capital expenditure and monitoring framework be developed to enable the appropriate management of risk by councils. This framework should be tailored to risk levels, including significance of the project (including materiality and whole of life costs) and not based on arbitrary monetary thresholds or procurement vehicles.

3.3.12 Public Private Partnerships

Background

As councils are urged to be more innovative and face increasing expectations to provide additional services and infrastructure, Public Private Partnerships (PPPs) are considered one mechanism by which councils can meet these demands.

PPPs often involve significant capital expenditure and the formation of entities which are governed by section 358 of the Act discussed above. However, they have one significant distinguishing factor as they *"involve an arrangement between a council and a private person to provide public infrastructure or facilities"* (s400B(1)(a)).

The Act defines PPPs as *"arrangement between a council and a private person for the purposes of: (a) providing public infrastructure or facilities (being infrastructure or facilities in respect of which the council has an interest, liability or responsibility under the arrangement), or (b) delivering services in accordance with the arrangement, or both"*.

As a departure from traditional council activities involving significant financial investment, they are considered high risk activities which need to be managed accordingly.

The PPP provisions in the Act (s400B - N) and associated mandatory guidelines were enacted in 2006 in response to the recommendations from the Public Inquiry into Liverpool Council and the Oasis development. The provisions are particularly prescriptive and detailed.

Chapter 12, Part 6 and Schedule 3 to the Act defines PPPs, requires councils to follow the procedures set out in the Guidelines and establishes the Local Government Project Review Committee (the Committee).

The Committee is not responsible for assessing the merits of the project as this responsibility rests with the council. The primary role of the Committee is to ensure that the project risks are clear and well understood by all parties.

The Division provides assistance to councils in determining whether proposed projects fall within the definition of a PPP.

Since the introduction of the PPP provisions in the Act only six significant PPPs have been assessed by the Committee. On average only two to three non-significant PPPs are submitted to the Committee for assessment per year.

Observations

PPP legislative requirements are considered to be onerous and an unnecessary constraint on councils' ability to enter into commercial operations. They are viewed as causing costly project delays, stifling innovation and inhibiting flexibility.

There is an extremely low use of PPPs. This may be a reflection of the onerous provisions in the Act and supporting documents but the Taskforce has no evidence to support this statement.

It is also possible that the low use could be attributed to private partners not being interested in investing in council infrastructure projects which are relatively small and with a relatively low return on investment and sometimes a high degree of political risk.

There is no direct linkage in the legislation between PPPs and IPR. Given the significant nature of these projects it would seem appropriate that plans or proposals to engage in such activities be included in a council's Delivery Program and Long Term Financial and Asset Management Plans.

The Taskforce is of the view, given the significant risks that can be associated with PPP projects, that it is appropriate they continue to be subject to regulation.

Taskforce Proposal

3.3.12 The Taskforce proposes that PPP projects continue to be subject to regulation and aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.

3.3.13 Acquisition of Land

Background

A council can acquire land for the purpose of exercising any of its functions. Acquisition can be by agreement or compulsory process. The Act gives the council power to apply to the Minister for Local Government to proceed with a compulsory acquisition.

Currently, with the exception of two councils that act as Water Authorities (Gosford City and Wyong Shire Councils), the only Acts under which a council or county council can compulsorily acquire land are the Local Government Act and the *Roads Act 1993*.

All applications to acquire land or an interest in land under either Act are assessed against the legislation and supporting guidelines by the Division of Local Government before a recommendation is made by the Minister to the Governor. Considerations include whether efforts have been made to negotiate with the owner, the acquisition is for a valid public purpose, and whether there is resale involved. Compensation payable is determined by the process under the *Land Acquisition (Just Terms Compensation) Act 1991* in which the Minister has no role.

Observations

Two main issues were raised with the Taskforce during the first round of consultations. The first related to the process with a few submissions suggesting the process could be streamlined and the Director-General of the Department could grant approvals.

The second issue related to restriction on compulsory acquisition of land for resale, with suggestions that resale should be permitted in a broader category of circumstances.

It is essential that councils, like Federal and State government agencies, retain sufficient powers to compulsorily acquire land for the efficient and effective delivery of services and infrastructure in the public interest. Local Environmental Plans frequently contain provisions for councils to acquire land.

Because the process of compulsory acquisition overrides the private rights of a landholder it is important for there to be adequate checks and balances to ensure the power is used appropriately.

The Taskforce notes that the Act does not provide guidance in respect of a 'council function or public purpose'. However, the Division of Local Government has provided guidelines to assist councils. Moreover, in the current Act and guidelines there is no linkage of acquisition of land to the IPR framework. Given that acquisition of land can involve significant capital expenditure it would seem appropriate that proposals for compulsory acquisition are given due consideration at the time of developing the community strategic plan, asset management, and long-term financial plans.

Taskforce Proposals

3.3.13 The Taskforce proposes:

- (i) no change at this time to the acquisition of land provisions as they remain essential to council's continued service and infrastructure delivery, are generally working well and there are no strong reasons to support change.
- (ii) council plans for the acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the community strategic plan on the need for additional public land or the sale of public land, be included in Delivery Program provisions.

3.3.14 Public Land

Background

Classification of Public Land

Chapter 6, Part 2 of the Local Government Act requires that all council owned land is classified as either community or operational land by the adoption of a plan of management. The classification and reclassification of land will generally be achieved by either a local environmental plan (LEP) for changing from community to operational land or by resolution of the council when first classifying land.

The classification of land impacts on how councils can use the land and the ability to dispose of the land. In particular, councils must adopt a plan of management for all community land and may not dispose of community land without reclassifying it as operational. Moreover, councils cannot lease or licence community land without the approval of the Minister for Local Government if the term of the lease or licence will be greater than five years and objections have been lodged against the proposal.

The process by which community land can be reclassified as operational land, and perhaps then sold by the council, is by the making of an LEP following a public hearing.

In late 2012 the Department of Planning issued a policy statement that effectively delegated to councils the ability to make LEPs in certain circumstances. Of particular significance is the ability of councils to now complete the process to reclassify community land to operational land where it is supported by an open space study.

Under the Local Government Act, councils are required to prepare plans of management for all community land they own. Additionally under the *Crown Lands Act 1989*, councils are required to prepare management plans for certain categories of Crown Land for which they are Trustee-Manager. The processes to be followed for these two plans differ.

Use of Community Land

Some applications for the lease or licence of public land or other interests in land (classified as community) require the approval of the Minister for Local Government if the term of the lease or licence will be greater than five years and any objections have been lodged against the proposal.

Among other things, the Act requires a report to be obtained by the Division of Local Government from the Director General of the Department of Planning and Infrastructure as part of the consideration of the application.

This is both a process and a merit-based assessment procedure. It has been suggested there is often duplication of processes by the State agencies. An average of three applications per year are assessed by the Division and this aspect of the process can be rationalised to reduce the regulatory burden.

Observations

From the consultation feedback it was generally agreed it is an important principle to ensure that public lands are adequately safeguarded as a community asset. Consequently, there needs to be a robust management process in place to ensure that councils are accountable for managing public land.

However, it was evident from the workshops and written submissions that the current Act provisions relating to public land classification and management are unnecessarily prescriptive, costly, onerous, in need of review and inconsistent with the requirements relating to the management of Crown Land (reserve trusts) by councils.

Suggestions to address these issues included transfer of community land management to a single new Act covering all public lands; better integration of public land management under the IPR framework; remove excess prescription from the Act and focus on the principles for the management and safeguard of community assets; simplify the reclassification process; and complement the Environmental Planning and Assessment Act and the Crown Lands Act.

It is evident that the current processes for land management are complex and inconsistent. Ideally, a more simplified and outcomes-based approach should be adopted.

Three (3) issues examined by the Taskforce based on consultation and submissions are:

Classification Process - a local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land. This is a valuable provision as it regularises any inconsistencies in the use of the land after re-classification.

At the same time the new Planning System may, when introduced, not facilitate further ad-hoc amendments to LEPs. This may require further review after the planning legislation has been amended.

Leases and Licences - the original intention of the community land classification was to restrict the commercialisation of land for private use and for extended lease periods. However, leases and licences can be renewed every 5 years to the same operator and rolled over every five years. At the same time the 5 year period is regarded as insufficient in certain cases to allow reasonable investment of capital in the facility.

A new Local Government Act should adopt a more consistent, simplified approach to leases and licences of community land, particularly in relation to ministerial approval requirements, giving of public notice, the objection process, short-term uses of land, and terms of agreement.

Councils could have greater freedom to lease or licence community land without the need to obtain the consent of the Minister for Local Government or only where a significant number of objections by the community to the proposal are received. The need for a separate report to be obtained from the Department of Planning on applications could be removed.

After the initial 5 year term a compulsory expression of interest or tender process to re-lease the community facility for a further term could be considered. The proposal would be notified and exhibited for 28 days and if five or more objections are received then approval might be subject to Director General concurrence.

Plans of Management - the Taskforce believes that the requirements to prepare statutory plans of management for community land could be streamlined and only require councils to prepare and maintain statutory plans of management for the most valuable or sensitive areas of community land. Other less significant areas could be managed under an alternative, non-statutory regime. In this way, council's obligations could be managed more efficiently, thereby reducing the regulatory burden while maintaining accountability.

The Taskforce also observes that much of the detail in the Act about plan making could be moved to a regulation or practice note.

Crown Lands' has indicated it is supportive of measures to streamline and harmonise the plan of management and management plan provisions of the two Act regimes. To avoid legislative duplication, an approach might be for all council land responsibilities to continue to be dealt with under the Local Government Act, with the Crown Lands Act to reference the Local Government Act statutory plan of management provisions for those parcels of Crown land under council control. This may require a cognate amendment to the Crown Lands Act.

Taskforce Proposals

3.3.14 The Taskforce proposes:

- (i) the current processes for council land management, being complex and inconsistent with the Crown Lands regime, be simplified and complementary.
- (ii) the Local Government Act:
 - require councils to strategically manage council-owned public land as assets through the IPR framework
 - balance reasonable protections for public land use and disposal where the land is identified as having significant value or importance
 - end the classification regime of public land as either community or operational land and instead, require the council resolution at the time of acquiring or purchasing land to specify the proposed use or uses

- provide that a proposed change in the use or disposal of public land, including consultation mechanisms, should be dealt with through the council's asset management planning and delivery program,
- retain the requirement for a public hearing to be held by an independent person where it is proposed to change the use or dispose of public land identified as having significant value or importance. The results should be reported to and considered by the council before a decision is made and proposals should be addressed through council's community engagement strategy.
- recognise the LEP zoning processes and restrictions applying to council owned public land
- review the prescribed uses to which public land may be applied to accommodate other uses appropriate to the current and future needs of the community
- cease the need for separate plans of management for public land to be prepared and maintained, and in lieu, utilise the asset management planning and delivery program
- cease the need for a separate report to be obtained from the Department of Planning and Infrastructure where proposed leases and licences of public land are referred to the Minister for Local Government for consideration.

Regulatory Functions

3.3.15 Approvals, Orders and Enforcement

Background

The Act provides councils with powers to undertake regulatory functions by listing the local activities that council may regulate, the means of their regulation, and the manner by which regulations can be enforced. The regulatory procedures given to councils by the Act are generally detailed, prescriptive and inflexible.

There are two broad regulatory functions of councils:

- *Approvals*: Prescribed activities by persons which councils must approve.
- *Orders*: Prescribed areas where councils can issue an order for an activity to cease or property be removed or cleaned.

A council may adopt a Local Approvals Policy (LAP) and a Local Orders Policy (LOP). A LAP can specify the circumstances in which a person is exempt from the need to obtain an approval to undertake a particular activity and the criteria that a council must consider when determining whether to grant an approval. An LOP can specify criteria that must be taken into account in determining whether or not to serve an order.

Under the current regulatory framework, councils must implement mandatory standards when undertaking regulatory functions to manage risk, for example, approval of sewerage works. The level or nature of mandated activity varies between regulatory processes. Sometimes the Act prescribes how often council is to undertake a regulatory function. Moreover, it may prescribe fees and charges, regulatory process or other requirements.

Furthermore, councils have a level of discretion in how actively they perform regulatory functions under the Act (e.g. serve an order to clean premises). The level of discretionary activity depends on available resources and community priority, often expressed through the IPR framework.

Observations

The legislative framework for approvals is very ad hoc. Approvals have been added to the legislation over time creating inconsistency concerning the level of prescription for each activity requiring approval. For instance, the Act gives very little guidance for implementing section 68 approvals, such as water supply work or management of waste. However, the procedure for approving filming is dealt with in great detail by Division 4 of Chapter 7.

Offences are currently stipulated in Chapter 16. Offence provisions are first stated quite broadly (for example, failure to obtain approval) and then move into specific subject areas (for example, parking and street drinking offences).

Councils may also regulate or prohibit certain activities occurring in public places by erecting notices on the land. Failure to comply with the terms of a notice is a breach of the Act.

Consultation feedback was mixed and raised the following issues:

- the approvals regime is too prescriptive, unnecessarily complicated (particularly in relation to public land) and inconsistent with consents pursuant to the *Environmental Planning and Assessment Act 1979*.

- there is some duplication of approval responsibilities between Acts and approval powers, such as those relevant to public roads, which could potentially be transferred to the *Roads Act 1993*. Other approvals might be better located in other legislation.
- the provisions relating to orders are generally working well. However, the list of areas attracting an order could be reviewed with the purpose of identifying those areas that could perhaps be better dealt with under other legislation, and consider further specifications that could be included such as matters in relation to unsightly or derelict buildings and companion animals.
- the process of issuing orders is unnecessarily complex and the procedure could be simplified.
- the enforcement powers are not always sufficient to implement orders. For instance, there are issues with the definition of derelict buildings for the purposes of issuing demolition orders and where Council may not be able to issue a demolition order where the building is dilapidated, unsafe and unsightly.

The Taskforce notes that the Independent Pricing and Regulatory Tribunal (IPART) is currently conducting a Red Tape Review of Local Government Compliance and Enforcement and is considering regulatory issues and how regulatory burdens can be reduced. A final report is due by 30 June 2013.

The prescriptive nature of the approvals and orders procedure is not consistent with the Terms of Reference of the Taskforce to recommend a streamlined Act that builds councils' regulatory capability.

The approvals processes that deal with setting fees, objections, requests for more information, concurrent approval by other ministers, staged approvals, conditions, reviews, renewals, appeals, etc is highly prescriptive. The current approval process leads to complaints of excessive red tape especially from people that are operating across council boundaries. The legislative framework for approvals could be more risk-based with greater clarity provided on how approvals and orders are to be treated under the legislative framework. This could lead to greater understanding of the regulatory framework.

The orders processes are highly prescriptive, specifying matters such as the need to give reasons, give notice, hear objections, give time to comply, may specify standards/criteria, may modify or revoke orders, appeals, etc. This is understandable given the necessity to afford procedural fairness. The Taskforce has heard that the enforcement powers for orders can sometimes be insufficient.

Miscellaneous regulation has been placed in the Act over time, creating regulatory gaps that have increased risk, and regulatory overlaps that have increased burden. For example, approvals for water use and management are dealt with under the *Water Management Act 2000* (NSW), but still require council approval under section 68 of the Local Government Act. See also the discussion under Water Management section 3.3.16.

Some jurisdictions allow for local laws, where councils may implement such laws to exercise regulatory functions. For example, Victorian and Queensland councils may introduce local laws on any topic for which they have power. Intended local laws must be advertised and public submissions considered before implementation.

This process can be considered as similar to the process of a NSW council adopting an LAP or LOP. However, these laws differ from the approvals and orders process in NSW because local laws in other jurisdictions can be enacted detailing prescriptive regulatory procedures on a wide breadth of topics. Therefore, the local law model does not align with NSW Government commitments to reduce red tape and the objectives of the current IPART review.

It would appear that few councils have considered it necessary to adopt LAPs and LOPs to deal with issues of local significance. Some councils are stipulating an approvals and orders process through their compliance and enforcement policies. This raises the question as to whether there is a need to retain the ability of councils to make LAPs and LOPs.

Maximum penalties for offences under the Act have not increased since the legislation was enacted in 1993 and therefore may have lost relativity to the seriousness of the offence. Penalty notice amounts prescribed by regulation are also in need of review.

Given the nature and purpose of orders, it is reasonable to expect that they be carefully regulated to ensure that due process is followed and that the requirements of procedural fairness are met.

Councils must always implement mandatory statutory requirements for issuing approvals and orders under the Act. However, the introduction of IPR has given councils a strategic function allowing discretion to determine community priorities and to manage council resources in order to meet mandatory statutory requirements. This discretionary capacity should be encouraged in the regulatory framework.

For a discussion of approvals applying to water supply, sewerage and stormwater drainage work, recycling, management of waste water, etc, see the Water Management section of this paper (3.3.16).

Taskforce Proposals

3.3.15 The Taskforce proposes:

- (i) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in their implementation, with statutory minimum standards or thresholds the council must meet, and councils discretionary 'on-the-ground' functions.
- (ii) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed into regulations where possible, allowing the Act to focus on high priority areas and principles.
- (iii) certain approvals be repealed or transferred to other legislation, such as the installation of manufactured homes and the operation of caravan parks and camping grounds. Installation of domestic oil and solid fuel heating appliances should be transferred to the Environmental Planning and Assessment Act; approvals for filming activities on public land be deleted or transferred to other legislation; approvals for amusement devices be transferred to health and safety legislation; and approvals for engaging in activities on public roads be transferred to roads and transport legislation.
- (iv) given that maximum penalties have not increased since 1993, penalties for offences in the Act and Regulation be reviewed to ensure they are proportionate to the seriousness and nature of the offence, and act as a deterrent to re-offending.
- (v) to have regard to the findings and recommendations of the reports by IPART as they affect local government that are due mid-2013.

The Taskforce invites comments as to whether there are currently activities requiring approval that are low-risk or redundant and therefore can be removed from the legislation.

3.3.16 Water Management

Background

An important function undertaken by many local councils outside the Sydney metropolitan area is the management of water and sewerage services as local water utilities (LWUs). There are also several county councils constituted under the Local Government Act through which their constituent councils deliver water and sewerage services.

The Act confers powers on councils that are LWUs and county councils for water supply, sewerage and stormwater drainage works and facilities. Sections of the Act include: sections 56-66; 68-68A; 191A, 496A, 510A; 551-553A; 634-641. Sections 60 and 68 provide the framework and overview of wastewater recycling and sewerage treatment facilities by councils. The current framework does not consider some types of water activity that should be included, for example, recycled water and stormwater recycling.

There is overlap and duplication between the *Water Industry Competition Act 2006* and the regulatory arrangements for water recycling under the Local Government Act.

Observations

The Taskforce received several submissions regarding local government acting as LWUs.

The main thrust of these submissions is the need to rationalise the regulatory framework within which water utilities operate, to remove inconsistencies and overlap from the system, and to ensure clear regulatory roles and responsibilities.

The submissions propose various ways in which this can be achieved including the development of a specific Local Water Utilities Act.

A number of other reviews are currently examining questions relating to water management including:

- The Independent Panel is examining questions relating to water management as part of its work on enhancing regional collaboration and shared services. The Panel is considering the ability of councils to deliver services and infrastructure efficiently, effectively and in a timely manner in developing options to strengthen local government in NSW. Water supply and infrastructure are key components of councils' service delivery and infrastructure obligations – see 'Case for Sustainable Change' paper published in November 2012, section 5.5.
- A recent report by Infrastructure NSW highlights the need for reform of water utilities in regional and rural NSW. The model suggested for consideration was that advocated by the 'Armstrong/Gellatly' report. In its report and the NSW Government response, it was noted that this matter was being examined by the Panel.

- The NSW Office of Water is progressing with the review of LWUs following the 'Armstrong/Gellatly' report. Its focus is on water delivery to urban communities in non-rural and regional areas. One suggestion is that if it is decided that councils' water management functions are to remain with local councils then the provisions should more likely be retained in the Local Government Act rather than transferred to the *Water Management Act 2000* or a separate new Act.
- The State Government is also undertaking a joint review of the *Water Industry Competition Act 2006* and the regulatory arrangements for water recycling under the Local Government Act. The Metropolitan Water Directorate is the lead agency and is focused on recycling and metropolitan water delivery. The Water Directorate has commenced the Urban Water Regulatory Review. The purpose is to review the Water Industry Competition Act and provisions within the Local Government Act to determine whether the Acts' policy objectives remain valid, and identify and address issues arising in the wider regulatory framework.
A discussion paper "Urban Water Regulation in NSW", released in November 2012 by MWD, canvasses the issues and proposes options, including whether targeted legislative amendments are the best way to address the issues raised, or whether more fundamental reforms are needed, for example, creating a single, consolidated legislative framework.
- The NSW Parliament's Legislative Assembly Committee report into the Regulation of Domestic Wastewater, November 2012 is also relevant to the review of water management, including the capacity of councils through LWUs and county councils to continue to deliver services and the support required. The Committee requires the Government to provide its response to the report by 21 May 2013.

The current regulatory framework for water is complicated and involves several Acts and State Government agencies with varying responsibilities.

The Taskforce accepts that the Local Government Act was never envisaged to be used to the extent now required for addressing water supply, drainage, sewage and recycling issues. Over time, a greater demand has been placed on councils and the Division of Local Government for technical capacity or experience in managing such issues, in particular in relation to onsite sewage and recycled water advice, over which they have limited capacity.

Some of the more significant issues identified in the MWD discussion paper include exploring alternative regulatory models, understanding where regulatory responsibility for water management is best placed, and the technical challenges councils face in dealing with the complexity of water issues.

Taskforce Proposal

- 3.3.16** The Taskforce will await the report and recommendations of the Independent Panel on water management so that the regulation of water by local government in NSW can be further considered. This will involve the determination of appropriate governance structures for water and sewerage delivery in those areas currently serviced by LWUs and water county councils. It will also resolve whether the constitutional and regulatory arrangements for new structures should remain in the Act or relocated into a more appropriate integrated legislative framework.

3.3.17 Tribunals and Commissions

The Taskforce notes that the Government has constituted a new NSW Civil and Administrative Tribunal which is to consolidate the Local Government Pecuniary Interest and Disciplinary Tribunal into its operations.

It is noted that the Independent Panel is examining the issue of structures and boundaries and how best boundary changes might be facilitated.

The Taskforce notes that few submissions were made concerning the future role and function of the Local Government Remuneration Tribunal which sets the annual fees for mayors, councillors, county council chairpersons and members. While the Taskforce is of the view that the Tribunal is working well, consideration should be given whether to merge its operations with the Statutory and Other Officers Remuneration Tribunal.

3.3.18 Performance of Local Government

Background

During consultations the issue of autonomy of local government was raised on numerous occasions. The principle of "earned autonomy" was also discussed and the view expressed that local government should be entitled to make its own decisions based on a record of performance.

The performance of a council is outlined in a number of publications including:

- the annual report
- audited financial statement
- the End of Term report
- Division of Local Government Promoting Better Practice Review

From the annual report a range of performance statistics are provided to the Division of Local Government to enable production of the "Annual Comparative Information on NSW Local Government Councils" publication. In the Minister's Foreword to the publication it is noted:

"The Local Government Act 1993 gives councils significant responsibility and autonomy in providing services for their communities. It is important that these services meet the needs of the local community and are provided effectively, efficiently and equitably.

This publication provides comparative information on the performance of all local councils in NSW. It is designed to help both the community and councils assess the performance of their council across a broad range of activities.

Observations

Section 404 of the Act requires the publication of an annual report and the Local Government (General) Regulation outlines the issues to be included in the annual report.

The Taskforce seeks comment on whether the information contained in the Comparative Performance publication provides a true comparison of performance of local councils and whether further points of comparison should be made.

The performance of general managers and senior staff is required to be reviewed periodically under the standard contract of employment.

Community performance is measured through the annual reporting on progress with implementation of the community strategic plan and whether community aspirations have been achieved over time in social, environmental, economic and civic governance strategies.

The performance of the council as the governing body is only measured every four years at election time.

The Taskforce expects the Independent Panel to generally examine performance aspects and so will consider any legislative provisions after considering any proposals that are put forward by the Panel.

Taskforce Proposal

3.3.18 The Taskforce will await the report and recommendations of the Independent Panel before considering any legislative provisions but invites submissions on whether the performance of local government and its constituent entities should be further monitored and reported.

CHAPTER 4 - CITY OF SYDNEY ACT

Background

The City of Sydney Act 1988 provides special provisions unique to the City as the centre of government and business in NSW. In most other respects the Local Government Act applies.

The main purposes of the Act are to:

- make provision for the non-residential voting franchise which differs from the qualifications applying in the remainder of NSW
- establish the Central Sydney Planning Committee and the Central Sydney Traffic and Transport Committee
- make provision for special environmental planning powers, including where development is uncompleted or for conditional donations to public space improvement projects

Elections

Part 3 of the Act specifies the framework for elections for the City Council and in particular, the non-residential voting franchises. The non-residential roll is required to be prepared by the NSW Electoral Commissioner in the manner provided. This roll lapses after each election. The Electoral Commissioner also prepares the residential roll for the City Council and for all other council areas.

Section 23 requires the Lord Mayor to be elected by the electors of the area. The Lord Mayor must also be a candidate for election as a councillor.

Section 24 provides that the provisions of the Act relating to the eligibility for people to vote at an election for the City Council also apply to referendums and polls conducted by the Council. Section 24(2) effectively provides that voting in a poll for the City Council is not compulsory.

Central Sydney Planning Committee

Part 4 of the Act provides for "Planning in the City of Sydney" by constituting the Central Sydney Planning Committee (CSPC). The Committee was established in September 1988 under section 33 of the Act and consists of 7 members:

- (a) the Lord Mayor of Sydney,
- (b) two councillors of the City Council elected by the Council,
- (c) four persons (two of whom are senior State government employees and two of whom are not State or local government employees) appointed by the Minister administering Part 4 of the Planning Act, each having expertise in at least one of architecture, building, civic design, construction, engineering, transport, tourism, the arts, planning or heritage.

The CSPC has the exclusive right to exercise the functions of the City Council in relation to the determination of applications for major developments (the estimated cost of which exceed \$50 million) and development applications seeking to vary a development standard under State Environmental Planning Policy No 1 (unless delegated to Council to determine). The threshold of \$50 million has remained unchanged since it was first determined in 1988.

A review of the CSPC was conducted during 2010 by an Independent Panel. The Review Panel report was released by the Minister for Planning on 25 August 2010 and confirmed that the Committee was an effective mechanism for managing City planning and development assessment. It recommended the continuation of the CSPC and made 21 recommendations to support and improve its continued operation.

On 9 September 2010 the CSPC resolved to endorse the findings and recommendations of the Review Panel and requested that the City Council develop and implement those recommendations that related to Council processes and procedures.

Central Sydney Traffic and Transport Committee

Part 4A was added to the City of Sydney Act in June 2012 to establish the Central Sydney Traffic and Transport Committee (CSTTC) consisting of representatives of the State Government and the City Council. The CSTTC is to provide for effective co-ordination of transport and traffic management in so much of the City of Sydney as comprises the Sydney Central Business District, the boundaries of which are shown on the Central Sydney Traffic and Transport Committee Operational Area Map.

The measures are designed to provide an effective coordination mechanism that can ensure decisions are made that support the broader interests of the State. Moreover, there would be strong interaction between the CSTTC and the existing Central Sydney Planning Committee when significant planning and development proposals impacted on traffic and transport in the CBD. The City Council remains the roads authority for its area under the *Roads Act 1993*.

Environmental planning powers

Part 6 of the Act contains special environmental planning powers for the City Council to order the rectification of landscaping where development is uncompleted; to enter into agreements with land owners where development is uncompleted; levy development contributions of one per cent on the non-residential portion of new development; and waiver of tendering requirements for conditional donations to public space improvement projects.

Observations

Several very detailed submissions were received in support of retention of the *City of Sydney Act 1988*. These submissions were largely predicated on the unique nature of the City of Sydney and its importance as a global city.

- *"A separate City of Sydney Act would be, in itself, a statement of recognition by the Parliament of NSW that:

 - the city of Sydney is NSW's principal city and Australia's global city,...
 - arising from this unique status, the City of Sydney faces complex issues and unique challenges which require a bespoke approach to its governance*
- *A separate city of Sydney Act could and should provide a framework and positive force for a productive relationship based on mutual respect and cooperation between the Government of NSW and the Council of NSW's principal city." (Submission 17 – Lord Mayor of Sydney, Cllr Clover Moore)*

"There is a strong, evidence-based case for retaining the City of Sydney Act as it provides an effective mechanism for dealing with both State and nationally significant issues of transport and development in the centre of the most important capital city in Australia." (Submission 94 – City of Sydney Council)

The submissions also emphasised that, with the exception of Perth and Hobart, all other state capital cities had their own Acts.

While supporting the retention of the City of Sydney Act, submissions to the Taskforce also included suggestions on how the Act could be improved, particularly in relation to enrolment in and maintenance of the non-residential electoral roll.

"In relation to the maintenance of the electoral roll, a number of Chamber members have expressed frustration with the requirement for non-residential and ratepaying lessee electors having to re-enroll at each and every local government election..."

The enrolment process "...could very much be simplified if a standing pro-forma application process for non-residential electors were developed." (Submission 44 – NSW Business Chamber)

Non-Residential Roll of Electors

Concerns have been expressed about the difficulties that eligible voters experience in seeking enrolment on the non-residential roll of electors for the Council. The roll lapses following each ordinary election and the definitions of the various categories of non-residential electors have been suggested as unduly legalistic.

There is no data base containing the details of persons and entities that may qualify as non-residential electors. Nor does it appear feasible to prepare such a data base, and to keep it current, without incurring considerable ongoing expense. Reports suggest that prior to the 2012 council ordinary elections, initial delays in Council administrative processes hindered eligible electors being placed on the non-residential roll. It is understood that these issues were resolved satisfactorily.

The NSW Business Chamber has made suggestions regarding the following election related matters for the Sydney City Council –

- a need to provide a simplified means to assist businesses to enrol and vote
- provide that eligible electors remain on the non-residential roll for the following election unless successfully challenged
- where an elector on the non-residential roll fails to vote in consecutive elections their name is removed from the roll
- the enrolment process could be connected with rates payment.
- provide an active electronic enrolment form with explanatory notes on how to complete the form
- postal voting would be of assistance – as provided in Victoria
- improve the adequacy of candidate information prior to elections to improve its value for electors

Observations

The Taskforce considers that there is a need to retain a separate City of Sydney Act under the present local government boundary arrangements applying to metropolitan Sydney, based on:

- the significance of the City of Sydney as a global city
- a separate Act as one of the many drivers for placing the city in a pre-eminent position
- the City's unique position in holding important conferences, festivals and activities of local, regional, national and international significance
- the economic importance of the Central Business District of the City

If substantial boundary changes to the area of the City of Sydney were to occur, the Taskforce would suggest retention of these aspirations in either an expanded City of Sydney Act or the new Local Government Act.

The Taskforce will address these issues when the Independent Panel has completed its work of examining whether there should be an enhanced capacity for the City of Sydney.

The Taskforce notes that Sydney City Council seeks greater recognition in the Act of the symbolic position of the area as a global city. Submissions are invited as to how

this might be achieved. Should the City of Sydney Act include an 'objects' section and what would it provide?

There is strong support for retaining the Central Sydney Planning Committee to deal with significant development applications delivering a global focus. As this is a planning responsibility of the Council, consideration has been given to transferring the provisions of this Part of the City of Sydney Act to the Environmental Planning and Assessment Act. Given that an extensive review was recently conducted of the CSPC and no substantive issues have since been raised in this most recent examination, the Taskforce concludes that there should not be any legislative changes.

While Part 4A of the Act (Central Sydney Traffic and Transport Committee) could be transferred to transport legislation for simplicity of administration, this suggestion was not raised during consultation.

The Taskforce notes that there are synergies between the operations and responsibilities of the Central Sydney Planning Committee and the Central Sydney Traffic and Transport Committee. These Committees take an important strategic view of significant development applications affecting the City of Sydney and its transport operations. The Taskforce is of the view that these Committees should continue to sit together in legislation.

The Taskforce notes that while there may be merit in transferring the special environmental planning powers contained in Part 6 of the Act to the Environmental Planning and Assessment Act, there have been no submissions made in support of such a change.

Amendment of the electoral processes applying to the City of Sydney under Part 3 of the Act will be further considered by the Taskforce having regard to the findings and recommendations of the report of the Joint Standing Committee on Electoral Matters of the NSW Parliament which is inquiring into the conduct of the 2012 council ordinary elections. See also the Elections section of this paper for a discussion of election matters.

Taskforce Proposals

- 4.1 The Taskforce proposes that a separate Act for the City of Sydney be retained (pending the report and recommendations of the Independent Panel) noting that the Council is also subject to the provisions of the Local Government Act.

CHAPTER 5 – CONCLUSIONS & MAKING A SUBMISSION

5.1 Making a Submission

The intention of this Discussion Paper is to outline the deliberations of the Taskforce on options and proposals for the principles for the new legislation. The paper is designed to provoke thought and discussion on how the legislation and regulatory regime can best be designed to provide an optimum framework for long-term sustainable local government in NSW.

The Taskforce has developed a series of questions to invite comment on the proposals and options contained in this paper. These questions are:

1. Do you support the proposed approach to the construction of the new Act and why? If not why not?
2. What proposals do you support and why?
3. What proposals do you think could be improved, modified and strengthened and how?
4. What proposals do not have your support and why?
5. Do you have any alternative proposals for the new Local Government Act that you think the Taskforce should consider? What are they and what is the reason supporting your proposal(s)?
6. Do you have any other comments relevant to the review of the Local Government Act and the City of Sydney Act?

Submissions can be made through email or mail.

Email submissions to: LGATSubmissions@dlg.nsw.gov.au

Or mail to:

Local Government Acts Taskforce
C/- Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

It is expected that submissions proposing amendments to the legislation would contain sufficient background and supporting information on which to base a recommendation for change.

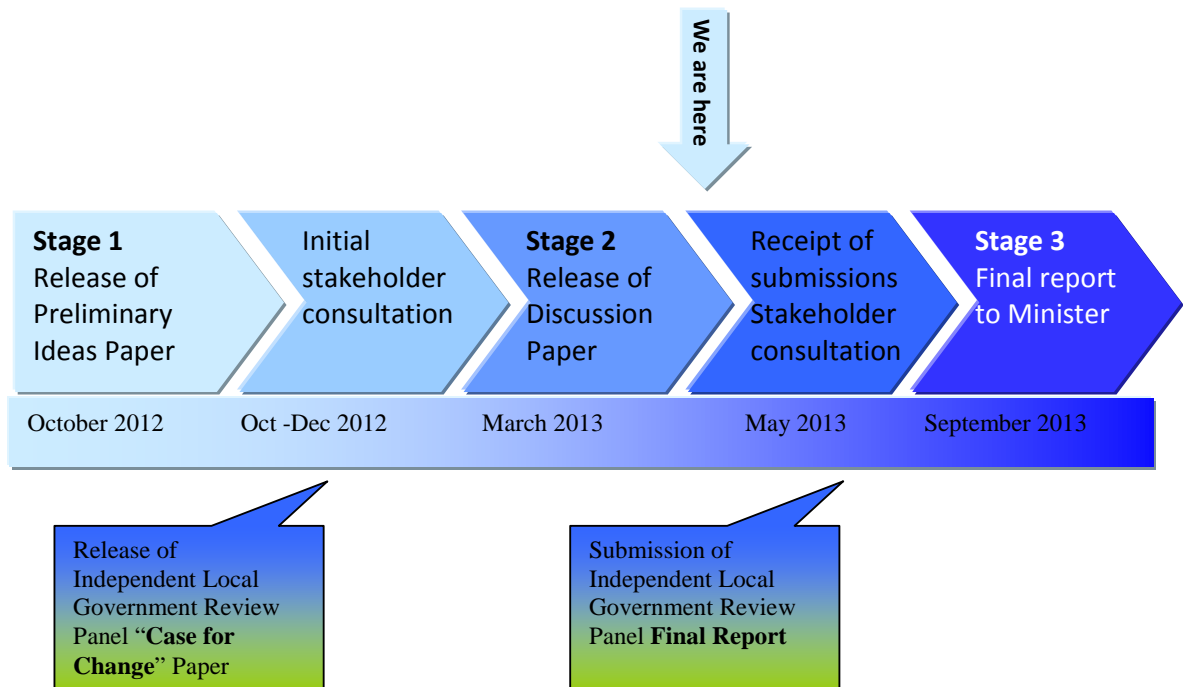
All submissions will be made publicly available. If you do not want any part of the submission or your personal details released, because of copyright or other cogent reasons, please indicate this clearly in your submission together with an explanation.

You should be aware that even if you request that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*).

CLOSING date for submissions is COB Friday, 28 June 2013.

5.2 Next Steps

The release of this discussion paper marks the commencement of the second stage of the work of the Taskforce which will include further consultation with local government, interested stakeholders and the broad community.



The Taskforce intends to hold a series of workshops at locations across NSW during May 2013. Details of the workshops will be available via the Taskforce [webpage](http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_LGAT.asp?mi=10&ml=2&SecHd=HOME&AreaIndex=TASKFORCE):

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_LGAT.asp?mi=10&ml=2&SecHd=HOME&AreaIndex=TASKFORCE

Following this next consultation and the close of submissions a final report will be prepared for the Minister for Local Government based on:

- Review and analysis of information obtained from research and consultation; and
- Adoption of those recommendations of the Independent Local Government Review Panel final report approved by the NSW Government and other relevant concurrent reviews referred to in this paper.

APPENDIX I – SUMMARY OF CONSULTATION FEEDBACK

1. Background

The Taskforce released its “Preliminary Ideas” paper in October 2012. The purpose of the paper was to generate discussions and ideas regarding the form and content of the new legislation. The paper posed five questions as follows:

- i) What top 5 principles should underpin the content of the new Local Government Act?
- ii) What is currently working well in the Local Government Act and why, and should it be retained in the new Act?
- iii) Are there areas in the Local Government Act that are working well but should be moved to another Act or into Regulations, Codes or Guidelines?
- iv) What is not working well in the Local Government Act (barriers and weaknesses) and should either be modified or not carried forward to the new Act?
- v) Should the City of Sydney Act be retained and if so, how can it be improved?

Written submissions were invited in response to these questions. Additionally, the Taskforce conducted workshops for councillors and relevant council staff (including county councils) to discuss the questions posed in the paper.

Summaries of the outcomes of the workshops and copies of the submissions received by the Taskforce have been posted on the Taskforce webpage: www.dlg.nsw.gov.au.

2. Purpose

The purpose of this paper is to provide a summary of the themes identified from the feedback received from this first stage of consultation. It should be noted that the information contained in these summaries are the suggestions and ideas generated by the participants at the workshops and do not necessarily represent the views of the Taskforce but will be considered by the Taskforce when formulating its position.

3. “Preliminary Ideas” Workshops for Councillors and Council Staff

The Taskforce held workshops in 14 locations across NSW during the period 24 October to 4 December 2012. The purpose of the workshops was to consult with councillors and council staff (including county councils) on the questions posed in the LGAT “Preliminary Ideas” paper.

To facilitate the free exchange of ideas, two workshops were held at each location - one for elected councillors and one for council staff. A total of 380 people attended the sessions. Councillors and council staff attended from 111 local government areas, 5 county councils, 4 regional organisations of councils and the Local Government and Shires Associations of NSW.

More details of the workshops and feedback can be found on the Taskforce webpage: www.dlg.nsw.gov.au.

4. Written Submissions in Response to the “Preliminary Ideas” Paper

The Taskforce received 111 written submissions responding to the questions posed in the “Preliminary Ideas” paper. All submissions have been posted on the Taskforce internet page. Submissions were received from:

- Councils, council staff and councillors from 64 local government areas
- 5 regional organisations of councils
- 1 county council
- 12 professional groups
- 6 business organisations
- 7 community groups and churches
- 10 private individuals
- 5 government groups

- 1 submission uncategorised

5. Summary of Ideas and Suggestions Received via Workshops and Written Submissions

With some exceptions, the themes and ideas that emerged at the workshops were broadly consistent with those contained in the written submissions. The exceptions relate to written submissions received from those stakeholders who were not included in the initial workshops, such as charitable institutions and business organisations.

The following discussion provides an overview of the key themes and issues that emerged from both the workshops and the submissions responding to the five (5) questions posed in the "Preliminary Ideas" paper.

As stated above, it should be noted that the information contained below summarises the main themes generated by the participants at the workshops and in written submissions. As such this paper is not exhaustive and does not cover all the detailed matters contained in the written submissions, which can be accessed on the Taskforce webpage.

They also do not necessarily represent the views of the Taskforce. The Taskforce will take them into consideration when formulating its position on the form and framework of the new Acts.

i) What top 5 principles should underpin the content of the new Local Government Act?

Principles can be divided into two main categories: those reflecting the principles relating to the construction of the new Act; and those relating to the principles that should form the framework for Local Government in NSW and as such will be dealt with separately.

1) Principles underpinning the framework for Local Government in NSW:

Throughout the workshops and the written submissions there was a general consensus about the principles for the framework for local government. The list in **Table A** is a summary of the most commonly articulated principles.

Table A

- Autonomy, self determination – local councils should have a power of general competence
- Interconnectedness – with the local community and with the region and the State
- Good governance – separation of powers of councillors and council staff, clarity of roles and responsibilities – council staff, councillors, mayor and the State
- Leadership - stewardship
- Social justice, equity
- Transparent, accountable, efficient, effective, ethical, responsible decision making - promote integrity
- Sustainability
- Fiscal responsibility
- Consultation – acting in the public interest; facilitate and encourage local participation
- Strategic long term focus
- Service to the community now and into the future
- Local democracy
- Strengthen regional and State ties - partnerships
- Flexible
- Custodian and trustee of public assets to be managed effectively and accountability
- Promote economic, social and environmental wellbeing of LGA
- Business-like
- Foster innovation
- Recognise and manage risk
- Core functions and community enhancing functions

Table B contains extracts from 12 of the written submissions and demonstrates this consensus.

Table B – Sample of written submissions responding to question 1. What top 5 principles should underpin the content of the new Local Government Act?

<p>Submission 98 – Local Government and Shires Associations of NSW</p> <ol style="list-style-type: none"> 5. Seek to give clear expression of the purpose, status, models and functions of 21st century Local Government 6. Seek to maximise council autonomy 7. Equip councils to be the leaders, identity and place makers, and service providers their communities want them to be 8. Avoid unnecessary prescription and/or regulation of councils and the communities they serve 	<p>Submission 29 - Shoalhaven City Council</p> <ol style="list-style-type: none"> 6. Good Governance – ethics, transparency, accountability 7. Sustainability – financial, economic, quality of life, environment 8. Community engagement – involve residences and ratepayers and other relevant stakeholders 9. Social justice – access and equity in services and policy 10. Customer/stakeholder focus 	<p>Submission 24- Warringah Council</p> <ol style="list-style-type: none"> 6. Sustainability both present and future focused. 7. Acting in the public interest considerations 8. Democratic representation 9. Good governance of and by local government 10. Establishing and maintaining partnerships with other bodies 	<p>Submission 99 – Gosford City Council</p> <ol style="list-style-type: none"> 1. Be transparent, accountable, responsive, proactive and always act in the public interest 2. Practice good governance 3. Protect the environment though sustainable and environmentally sound decision making 4. Strive to improve the quality of life for the residents of their Local Government Area 5. Use resources effectively and efficiently to provide the best possible services to the community
<p>Submission 100 - Penrith City Council</p> <ol style="list-style-type: none"> 1. Autonomy and accountability 2. Clear leadership and responsibility 3. Efficient and effective management and governance 4. Intelligible, innovative and progressive system of government 5. Responsiveness to the evolving needs of the community 	<p>Submission 70 – The Hills Shire Council</p> <ol style="list-style-type: none"> 1. Solid foundations for Councillors, General Managers, framework of Local Government and oversight of services 2. Promote ethical, transparent and accountable Local Government 3. Enabling and outcome based legislation 4. Contemporary and progressive legislation 	<p>Submission 53 – Queanbeyan City Council</p> <ol style="list-style-type: none"> 1. Good governance and effective & efficient management 2. Clear leadership, accountability and transparency 3. Being abreast of technology and its effective use 4. Articulating direction of the community 5. Responsiveness to changing public needs 	<p>Submission 71 – Cowra Council</p> <ol style="list-style-type: none"> 1. Provide flexibility to Councils 2. Reduce and streamline compliance whilst retaining accountability 3. Clarify responsibilities to provide certainty 4. Autonomy to provide increased service levels 5. Adopt an underlying philosophy of State and Local Government being equal partners such that the legislation is not written in a prescriptive master/servant manner
<p>Submission 35 – Manly Council</p> <p>Local government is and shall continue to be:</p> <ol style="list-style-type: none"> 1. locally orientated, democratic and consensus orientated 2. an elected (...) sphere of representative government, with effective representation at local level 3. Local government shall be equitable, transparent, accountable and responsive to its electors, the local community and the wider public, as well as participatory and inclusive and efficient and effective 4. Each local council should have administrative as well as legislative functions 5. The powers, authorities, duties and functions of council shall not be altered or changed except after due consultation with local government 	<p>Submission 5 – Tenterfield Shire Council</p> <p>Enshrine sense of community belonging together</p> <ol style="list-style-type: none"> 1. Self-determination and autonomy 2. Diversity of structures, of decision-making processes, of services and staffing. Participatory democracy 3. Interconnectedness within the Council and Shire 4. Lead councils and shires firmly into the E-Technological era 5. Principles of good governance – transparency and accountability 	<p>Submission 40 – Kiama Council</p> <ol style="list-style-type: none"> 1. Transparency of process and decision making 2. Facilitates and encourages local participation and input 3. Empowers councils to serve their communities as community identified in their Community Strategic Plan 4. Recognises Local Government as a key stakeholder in Regional and State matters and provides for a strong and positive relationship between State and local Government 5. Provides statutory framework to support local government functions 	<p>Submission 30 – Lake Macquarie City Council</p> <ol style="list-style-type: none"> 1. Open Government – Integrated Planning and Reporting Framework should be the ultimate basis for the Act. 2. Accountability and transparency – the role of IPART should be reviewed and potentially strengthened 3. Flexibility – The Act should have more flexible provisions that provide scope to recognise the needs of each particular community 4. Enabling and clearly define responsibilities and powers

It was evident from both the written submissions and feedback from the workshops that there is clear support that as a principle, local government in NSW should be self-governing and retain a power of general competence.

The importance of the principle of local democracy and keeping the “local” in local government was also evident.

The principle of autonomy was balanced by the principle that local government should exercise its powers within a strong governance framework promoting: accountability both to the community and the State; and the exercise of long term social and fiscal responsibility.

Linked with accountability was the importance of relationships between local councils and their local community, and then more broadly regionally and with the State.

This was underpinned by the principle that local government, in the provision of services to the community and as custodian and trustee of public assets, must exercise its functions in meaningful consultation with its community to ensure that it is acting in the public interest.

The idea that local government should provide long term sustainable strategic leadership for the community was also strongly evident both from the workshops and in written submissions.

2) Principles relating to the construction of the new Act:

In the second category of principles relating to the construction of the new Local Government Act the following list sets out the most commonly suggested principles:

- Less prescriptive
- Streamlined, simpler
- Logical
- Reduce unnecessary red tape
- The “why” not the “how”
- Plain language
- Consistent and integrated with other legislation, regulations and codes
- Recognise technology
- Should be outcome focussed, not process driven
- Clear delineation between Act, Regulations, Guidelines and Codes.

Table C extracts from 6 written submissions on principles for local government.

<p>Submission 83 – Waverley Council Submission 35 – Manly Council</p> <ul style="list-style-type: none"> • Modern • Flexible • Streamlined • Supporting diversity among councils • Written in plain language, and • Eliminates unnecessary red tape affecting councils and the public 	<p>Submission 69 – Council of the Shire of Bourke</p> <ul style="list-style-type: none"> • Recognition that “one size” doesn’t fit all and the diversity of councils activities and the problems they deal with on a daily basis within the different communities • Concise with any additional information need to supplement the Act being provided via regulation or Practice Note • Readily understood and devoid of ambiguity and the need for legal interpretation • Be enabling and not restrictive
<p>Submission 49 – Wollongong City Council Submission 58 – Wollondilly Shire Council</p> <ul style="list-style-type: none"> • Meets the current and future needs of local government • Is streamlined and designed so as to strengthen local government so that it can deliver to its community in an efficient and effective manner • Is modern and written in plain language and, while providing a comprehensive framework, unnecessary red tape is avoided • Recognises the diversity of local government in NSW • Provides greater clarity on the role and responsibility of local government 	<p>Submission 42 – Parramatta City Council</p> <ul style="list-style-type: none"> • Enabling act that establishes Councils as a body, setting out clearly their charter, functions and powers and how they should be constituted • Avoid duplicating powers or regulations already set out in other legislation • Facilitate collaboration between State, Regional and Local authorities and non-government bodies to achieve desirable community outcomes • Local Government should engage with and be accountable to its community for its activities and expenditure • Principles-based Act supported by regulations, codes and local council policies

ii) What is currently working well in the Local Government Act and why, and should it be retained in the new Act?

Feedback can be grouped into two main categories:

- c) ideas and suggestions for which there was a general consensus and few, if any, opposing suggestions, and
- d) ideas and suggestions which appeared both in response to this question and to question 4 (What is not working well). On closer consideration of these matters, it was evident that these areas were often where the general principle covered by the legislation was supported but it was felt that the section of the legislation could be improved by being modernised, simplified or clarified.

An example of such matters is the management system for public land. The regulation of public land appeared in the responses to both question ii) and question iv). Examination of the submissions revealed that the criticism of the regulation of public land was directed towards the way in which it is regulated and the complexity of the legislation, rather than toward the principle that public land should be safeguarded as a community asset. This principle was the rationale underpinning those submissions that cited public land as an area of the Act that is generally working well.

The following is a summary of those ideas and suggestions for which there was general consensus that they were working well.

Those ideas and suggestions which were submitted in response to both this question and question 4 have been included in the summary of feedback and submissions in response to question 4 – what is not working well – barriers or weaknesses.

a) ideas and suggestions where there was a general consensus that they are working well and few, if any, opposing suggestions

Table D lists the key areas that were submitted as areas of the current Local Government Act that are working well and should be retained in the new Act.

Table D – Areas of the Act identified as working well

- Charter – needs to be modernised and reflect integrated planning and reporting
- Section 24 – devolution of general power of competency
- Community Strategic Plan/Integrated Planning and Reporting (but with refinement) – Role of councillors/mayor and general manager – but needs clarification
- Many sections work well, but focused on processes rather than outcomes
- Section 10 – provision relating to closing of meetings
- Meeting procedures, but needs to be consolidated
- Elections and democratic principles generally, however, election processes could be improved – see response to question 4 below
- Section 733 – exemption from liability – needs to be extended to cover coastal councils to limit potential exposure arising from climate change
- Delegations of authority, but needs refinement to reflect roles and responsibilities and facilitate the efficient and effective operation of councils
- The Act structure generally works well, but needs refinement to reflect integrated planning and reporting
- Dictionary
- Disclosure of interests with some clarification and refinement

The Taskforce also received feedback, both through the workshops and written submissions, that generally the Act worked well but would benefit from a general review to make it more streamlined and coherent:

"There are many sections of the Act that work well, however, in general the Act is too focused on processes rather than outcomes." (Submission 84 – Harden Shire Council)

"The Associations believe the intent and the overall structure of the Local Government Act 1993 remain valid. We see no compelling reason to scrap the Act and start afresh with a blank canvass. However, the Associations believe that the legislation needs a major edit to assist it remain contemporary." (Submission 98 – Local Government and Shires Associations)

"Generally, the City feels that the current legislative framework for local government in New South Wales works well and should be retained, with some refinement and increased flexibility." (Submission 94 – City of Sydney)

While it is evident that from the submissions and workshops that there are several areas of the Act that are thought to be generally working well and, more than that, should be elevated to a more prominent role in the new Act. Perhaps the three key areas are:

- The Charter
- Integrated Planning and Reporting; and
- Roles and Responsibilities.

Charter

There was almost universal support that the Charter is an important part of the Act and should be retained. While there were a number of suggestions that the Charter would benefit from redrafting to be more principles-based and better reflect the current and future role of modern local government, it was apparent that it was already seen as providing valuable guiding principles for local government.

"The Charter in the current Act is well drafted and sets out useful guiding principles. The Charter is succinct but requires greater emphasis throughout the Act. Currently the Charter stands on its own and the provisions need to be referenced throughout the legislation" (Submission 15 – Camden Council).

The Charter provides "an effective statement of purpose for Councils" (Submission 27 – Planning Institute of Australia, (NSW Division))

"Chapters 3 and 4 of the Act which set out the Charter and how the community can influence what a council does are working well." (Submission 83 – Waverley Council).

"...The contents of the Charter were sometimes derided as pious aspirations at their best, these appear to have served communities well....However, there is room for refreshing and refining section 8" (Submission 98 – Local Government and Shires Associations)

Integrated Planning and Reporting

The value of integrated planning and reporting and the suggestion that it should be given a more central place in the new Act was strongly echoed throughout the submissions and workshops. With few exceptions both the workshops and the written submissions nominated Integrated Planning and Reporting as working well.

"Integrated Planning & Reporting is the most important ideological change introduced to the sector since the formation of councils themselves. These provisions need to be brought forward within the Act to complement the provisions dealing with the councils' Charter." (Submission 83 Waverley Council).

"These provisions are proving to be strategic and working well to improve the planning by councils and their accountability. The effective implementation of these provisions helps justify the new Act being less prescriptive than its current form." (Submission 24 – Warringah Council).

"The current Act places great importance on strategic planning within local government. This is an excellent feature of the Act and should be retained. The Integrated Planning and Reporting Framework is a cornerstone to this process." (Submission 43 – Griffith City Council)

"Provide for Integrated Planning Framework concepts and plans that encompass State Government as well as local government and its communities." (Submission 81 – City of Blue Mountains)

Suggestions were made for how the new Act could be structured around integrated planning and reporting and how consequently the Act could be more streamlined to reduce current inconsistencies and duplication in reporting and consultation requirements.

“While these provisions have worked well, a clear failure in their drafting is a lack of a clear linkage to councils’ land use planning process” (Submission 44 – NSW Business Chamber)

Feedback was also received that consideration should be given to simplifying the requirements of integrated planning and reporting, particularly in respect of smaller councils. Similarly, suggestions were made that council reporting and community consultation requirements generally could be streamlined and made more coherent by using the vehicle of integrated planning and reporting as the framework for the new Act.

“Concept of integrated planning should remain and continue to develop but in a more streamlined way and one that integrates local government and State Government.” (Submission 81 – Blue Mountains City Council) A similar sentiment was expressed by the Planning Institute of Australia, NSW Division (Submission 27) who wrote *“IPR can be better integrated with the new Planning System and in particular the community consultation and review processes outlined in the Government’s Green Paper on the Planning Review.”*

Roles and Responsibilities

It was apparent from both the workshops and the written submissions that the importance of having clearly articulated roles and responsibilities for councillors, the mayor and the general manager cannot be understated.

The importance of clearly defining the role and responsibilities of elected representatives and the general manager is also reflected in other areas where feedback and submissions suggested the Act is not working well, such as the provisions relating to the appointment of senior staff and the review of the organisation structure.

“The current Act provides a clear distinction between the roles of elected members and the General Manager and needs to be strengthened.” (Submission 53 - Queanbeyan City Council)

“The Act should clearly define the line between the strategic/policy responsibilities of councillors and the operational responsibilities of the GM and staff.” (Submission 61 – Clarence Valley Council).

“Under new legislation the roles should be more clearly defined so that there is no doubt as to where roles and responsibilities start and end.” (Submission 88 – Sutherland Shire Council).

Both at the workshops and in the written submissions there were various suggestions regarding refining the definition for the mayor and councillors so that it is reflective of the integrated planning and reporting framework.

There was also an evident theme that the relationship between local government and the State should be a principle underpinning the new Act and be clearly articulated in the legislation.

iii) Are there areas in the Local Government Act that are working well but should be moved to another Act or into Regulations, Codes or Guidelines?

In considering this question, a frequently expressed view was that the new Local Government Act should be less prescriptive and more principles based. It was felt that the Act should contain the “what”, with the “how” being contained in regulation, codes or guidelines. As one councillor expressed it *“I need to be able to tell the time not how to make the watch”*.

This view is tempered with the opinion that it is important that local government has a degree of certainty and a concern that if the new Act is too flexible it could become ambiguous, subject to broad interpretation and thus result in councils becoming subject to increased litigation.

The view was also expressed that by moving provisions that are working well into regulations, codes and/or guidelines it “..will become very difficult and tedious to work with a plethora of documents and it will only result in more confusion”. (**Submission 100 – Penrith City Council**)

Nevertheless there was general agreement that, wherever possible, prescription in the Act should be minimised.

The following is a list of the areas that were recommended to be moved into another Act or into regulations, codes or guidelines.

- Elections
- Approvals
- Plans of management
- Pecuniary interest
- Section 68 approvals – manufactured homes; on site waste water; wood heaters
- Section 64 - water
- Public Land provisions
- Tendering
- Chapter 7 approvals could be transferred to Planning Act
- Notices and orders transferred to Environmental Planning and Assessment Act and penalties rationalised under one Act
- Equal Employment Opportunity could be removed if section 122B of the *Anti-Discrimination Act 1977* is amended to include Local Government Authorities

iv) What is not working well in the Local Government Act (barriers and weaknesses) and should either be modified or not carried forward to the new Act?

This question elicited the largest response. Submissions varied from single issue submissions through to detailed responses addressing each section of the current Act. It is not proposed in this summary of submissions to deal with detailed recommendations for amendment of specific sections. The suggestions and submissions will be taken into account in the formulation of the new Act where relevant.

As mentioned above, there were a number of areas that appeared on both sides of the ledger – that is in response to question ii) “What is working well” and this question “What is not working well”. Generally these are matters which it was considered should be retained and were supported in principle but it is submitted needed improvement, modernisation, clarification or simplification.

Responses also included a general observation that there are overlaps and at times inconsistency between the Local Government Act and other pieces of legislation governing the operation and functions of local government, and that it would be beneficial if these could be resolved.

The following is a summary, grouped under general topic areas, of those ideas and suggestions which appeared in response to this question:

Public Land (ss 25 – 54)

While it was generally agreed that it is important to ensure that public lands are adequately protected, feedback received through the workshops and via the submissions overwhelmingly suggested that the current provisions relating to public land classification and management are unnecessarily prescriptive, costly, onerous, in need of review and are inconsistent with the requirements relating to the management of Crown land by councils; and restrict councils' ability to deal with or raise revenue from land which can impact on councils' viability.

Suggestions to address these issues included: transfer of community land management to a single new Act covering all public lands; better integrate public land management under the integrated planning and reporting framework; remove excess prescription from the Act; and focus on the principles for the management and safeguard of community land.

"Classification of land – Community and Operational land – this should stay – however the legislation should be more flexible." (Submission 56 – Shellharbour City Council)

"The Local Government Act and the Crown Lands Act are not necessarily compatible and Councils are forced to manage and treat public land in two different ways yet the usage and public purposes are primarily the same. This creates significant inefficiencies and inconsistencies and is confusing to our community" (Submission 24 – Warringah Council)

Acquisition of Land (Chapter 8 Part 1 ss 186 – 190)

In relation to the provisions regulating the compulsory acquisition of land for public purposes, two main issues were raised. The first related to the process. Submissions were received suggesting that the process could be streamlined and questioning the need to obtain ministerial approval.

The second related to restriction on compulsory acquisition of land for re-sale, with suggestions that re-sale should be permitted for a broader category of circumstances *"... for 'employment lands' development or other broad economic/purpose should be permissible. This enables the process to deal with Native Title issues and is an effective means to free-up otherwise unutilised public lands."* (Submission 29 – Shoalhaven City Council)

Tendering (s. 55)

The overwhelming view articulated both at the workshops and via submissions was that while it is important that local councils are accountable, open and transparent in the way in which they conduct their business, and that the risks of fraud and corruption should be minimised, the provisions in the Act relating to tendering are in need of review and amendment. In particular, the workshops and submissions commented on the following matters:

- the current tendering threshold of \$150,000 is too low
- the advertising requirements were identified as onerous, costly and not reflective of current technology
- the current delegations constrain the ability of councils to engage in regionally based procurement
- tendering should be an operational matter and reported to Council on an exception basis
- the possible benefits of aligning local government procurement with the State Government procurement framework

Approvals (Chapter 7 Part 1 s68)

A number of submissions indicated that section 68 approvals could be improved. The main concerns were the regime is too prescriptive, unnecessarily complicated (particularly in relation to public land) and inconsistent with consents pursuant to the *Environmental Planning and Assessment Act 1997*. Suggestions were made that consideration be given to transferring those approvals relevant to public roads to the *Roads Act 1993* and the majority of the matters listed under Part F of the Table of Approvals to section 68 be transferred to the *Environmental Planning and Assessment Act*.

"The section 68 approval process ...in general is onerous for applicants. All 'development related approvals' (ie installation of manufactured homes, stormwater etc) should be regulated via a single act." (Submission 99 – Gosford City Council)

Orders (Chapter 7 Part 2 and 3)

The provisions in the Act relating to the making of Orders is an example of an issue contained in responses to both: question 2 "What is working well" - *"The structure of the notice of intent and then order process is logical, facilitates procedural fairness and provides a robust legal framework for Councils to work within"*. (Submission 19 – Port Stephens Council); and the question "What is not working well" - *"the current process provisions are considered to be overly complex and unnecessarily difficult for council officers"*. (Submission 94 – City of Sydney Council)

Other submissions were received that, while not critical of the Orders process, contained suggestions to amend the Table at section 124, by both the addition of matters and/or the transfer of matters to other legislation such as the *Food Act 2003* and the *Protection of the Environment Operations Act 1997*.

As an alternative to Orders, submissions were also made that local councils should have the power to pass local laws *"that can be used to reflect local community standards"* (Submission 31 – Albury City Council) similar to other jurisdictions such as Victoria. *"The ability to create Local laws/Bylaws would provide greater flexibility for Councils to create controls and processes suited to their needs."* (Submission 53 – Queanbeyan City Council)

Councillor Remuneration - Local Government Remuneration Tribunal (Chapter 9 Part 2 Division 4)

At both the workshops and in the written submissions there was considerable discussion of councillor remuneration and the most appropriate mechanism for determining councillor fees. These discussions were generally framed in the context of attracting appropriately skilled people to stand for election, combined with the view that the current fees do not reflect the amount of work required of elected officials.

"The current fees payable for Mayors and Councillors in NSW are far too low firstly to attract suitable candidates and then remunerate elected candidates appropriately for the workload that they undertake." (Submission 34 – Port Macquarie-Hastings Council)

The issue of councillor remuneration was also associated with various proposals surrounding councillor training. This was a topic of some discussion at the workshops, soliciting diverse opinions from mandatory councillor training, through to linking the level of councillor fees to attainment of formal qualifications. *"Councillor remuneration levels should provide incentives for Councillors who attain formal accreditation."* (Submission 73 – Wagga Wagga City Council)

Expenses and Facilities (Chapter 9 Part 2 Division 5)

Associated with councillor remuneration are the payment of expenses and the provision of facilities to councillors. The main concern raised in workshops and written submissions was the cost and burden associated with the requirement to advertise the policy being adopted by council every time it was amended, even if the proposed amendments are not substantial or even the same.

Elections (Chapter 10)

While it was evident that there is general support for local democracy and the election of local representatives, it was also apparent from the feedback and submissions that there are a number of matters related to elections that are considered not to be "working well". The following is a summary of matters most commonly raised as requiring review and amendment:

- There was considerable debate about the most appropriate election system – exhaustive preferential; optional preferential; proportional; or first past the post. At both the workshops and in a number of submissions the view was expressed that group voting should *"not be a system of voting in Local Government Elections"* (**Submission 31 – Albury City Council**)
- There was significant support for the option of postal voting, particularly for by-elections and, if possible, electronic voting *"...consideration should also be given to the opportunity to better utilise postal voting as a means to increase the participation of the community in local government elections"*. (**Submission 44 – NSW Business Chamber**)
- There were a variety of suggestions, both at workshops and in submissions, around the issue of by-elections and the associated cost, particularly where a by-election has to be called either in the first year following an ordinary council election or the 12 months prior to an ordinary council election. Suggestions ranged from allowing councils to continue to operate with one vacant position, through to having a system where the next candidate that would have been elected at the previous ordinary election be appointed to fill the vacancy
- Both at the workshops and in submissions suggestions were made for half term elections for councillors, similar to senate elections. The rationale behind such suggestions was that it would allow for continuity and retention of corporate knowledge, which would support long term strategic planning
- The matter of wards was also raised at workshops and in a number of submissions with the suggestion that, for a variety of reasons, the ward system should be abolished
- A number of submissions raised the issue of the non-residential electoral roll and the fact that this roll lapses following each election requiring these persons to re-enrol each election.

Council Staffing (Chapter 11)

A commonly expressed view is that the current Act is too prescriptive and needs to be updated and modernised. Submissions were made in regard to proposed amendments for specific sections of the Act. The following are some of the matters raised in workshops and submissions in respect of council staffing:

"The provisions in this Chapter are too prescriptive and don't provide the flexibility required to manage a modern organisation" (Submission 24 – Warringah Council);

"..the provisions for the appointment of staff is not contemporary and needs to be reviewed." (Submission 102 - Lismore City Council).

"In its current form the Act seems to be prescriptive rather than 'principle based'." (Submission 70 – The Hills Shire Council).

- The requirement for council to review the organisation structure within 12 months of taking office is ambiguous, does not fit well with integrated planning and reporting requirements and causes uncertainty regarding the roles and responsibilities of the general manager and the council in regard to staffing generally
- Advertising provisions are too prescriptive, inflexible and outdated (s 348); merit selection requirements are unnecessarily restrictive; and the time limit for temporary appointments of 12 months is too restrictive (s 351)
- Security of tenure for general managers under the standard form of contract; the role of the elected council in the appointment of senior staff; and the setting of remuneration for general managers
- Provisions relating to staff protections in the event of council amalgamations - a number of submissions proposed that the current time limit for maintaining staff post an amalgamation should be reduced from 3 years to 1 year. There were, however, differing views on this matter and that local employment, particularly in rural areas *"This section is important because often local government is the largest employer in rural centres. If the number of local government jobs in the area is reduced, it has a significant impact on the community."* (Submission 50 – United Services Union)

Public Private Partnerships (Chapter 12 Part 6) and formation of corporations (Chapter 12 Part 1 s 358)

Both at the workshops and through the submissions it was apparent that the provisions relating to public private partnerships (PPP) are considered by many to be too onerous and an unnecessary constraint on councils' ability to enter into commercial operations. The provisions are viewed as causing costly delays to projects and stifling innovation and flexibility. *"Current provisions for setting up Public Private partnerships (PPP) are too complex and onerous."* (Submission 24 – Warringah Council)

The benefit of the PPP process was also questioned. *"There needs to be greater transparency in how public-private partnerships and arms-length entities are assessed and approved."* (Submission 30 - Lake Macquarie City Council)

Related to this is the issue of the requirement to obtain Ministerial consent to form corporations and other entities. A number of submissions raised this as a constraint on the ability of councils to enter into resource sharing arrangements. Section 358 of the Act *"...has the capacity to inhibit investment and/or participation in initiatives such as research partnerships such as a Corporative Research Centre (often established as a corporation), infrastructure investment such as recycled water schemes and participation in ROCs."* (Submission 67 – Sydney Coastal Councils Group Inc)

Conduct (Chapter 14)

The Taskforce received a number of submissions regarding the code of conduct. Most of these were in relation to inappropriate use of the Code of Conduct.

The Taskforce is aware that amendments have recently been made to the provisions of the Model Code of Conduct, commencing on 1 March 2013, with the purpose of: providing flexibility to resolve non-serious complaints, minimising costs to councils; improving investigation of complaints and complaints management; and providing stronger penalties for ongoing disruptive behaviour and serious misconduct. The Taskforce anticipates that these amendments will address most of this issues raised at workshops and in submissions.

Revenue

Many of the written submissions and feedback from the workshops called for removal of rate-pegging. The matter of rate-pegging is being examined by the Independent Local Government Review Panel. The Taskforce is required to adopt those recommendations of the Panel that are approved by the Government.

A number of very detailed submissions raised issues with the provisions in the Act relating to council financing and, in particular, anomalies associated with the rating provisions.

“Rating provisions are too complex and ill defined in certain respects. Some flexibility is required, but it should be mandatory that all Councils must have a policy document on all discretionary sections of the Act. Less discretionary options will result in fairer State-wide applied taxation and lessen the chance of error or poor decision making at a local level.”
(Submission 81 – Blue Mountains City Council)

The following are some of the matters raised in workshops and submissions in respect of council staffing:

- Anomalies arising from the rating categories
- Submissions were received from charitable institutions supporting the retention of sections 555 to 558 of the Act, which provide for relief from rates for their organisations. A contrary view was also expressed that these provisions are too broad and being *“at times vague and difficult to understand ... which leaves the Councils open to legal challenges”*. (Submission 91 – NSW Revenue Professionals Society Inc) It would seem that these concerns are particularly relevant to the growth in public benevolent institutions and private schools, some of which make considerable use of council resources. Concern was raised that as a consequence of this growth the community is increasingly required to pay additional rates in order that councils’ revenue base does not increase.
- The issue of the level of the pensioner rebate and the percentage contribution of councils to the rebate. Concern was expressed that the maximum level of rebate has remained unchanged since 1993 and that some councils suffer financial disadvantage as a result of the forgone revenue arising from the rebate.
- Concern was also raised that the current rating system *“is too easily abused and encouraged discrimination against commercial properties”*. (Submission 28 – Shopping Centre Council of Australia)

Fees (Chapter 15 Part 10)

The current provisions governing setting of fees and charges was seen as a particular issue in relation to council commercial business activities. It was submitted that the public notice period required for setting (or amending) fees and charges is inflexible and prohibitive for a competitive market and places councils at a disadvantage to privately operated commercial operations.

"The public notice period currently required for setting (or amending) fees and charges is quite prohibitive when a business activity is reacting to market demands or competitive activity, particularly when competition does not operate within such constraints." (Submission 34 – Port Macquarie-Hastings Council)

"Council are unable to implement fees or charges for a new demand/service if not currently in the published schedule of fees and charges. There is a genuine need for greater flexibility to meet a new demand or when an opportunity arises." (Submission 70 – The Hills Shire Council)

Loans (Chapter 15 part 12)

Both at the workshops and in submissions the view was expressed that the requirement to seek ministerial approval for internal loans for monies raised via special rates or charges (section 410) is unnecessarily onerous. The view was expressed that the *"The existing requirement in the Code of Accounting Practice for Councils to account for internal loans and report in the Audited Financial Statements is adequate in terms of the 'stewardship' of internal loans."* (Submission 73 – Wagga Wagga City Council)

Audit and Risk Management - The issues of internal and external audit were raised both through the workshops and in written submission. Issues raised included: should the internal audit function be mandated via the legislation; should the Auditor General have a role in the audit framework for local government; and Should the new Act be framed to include the principles of risk management. It should be noted that the Independent Local Government Review Panel is considering these matters.

It was also suggested that the standards in accordance with which council financial reports must be audited be changed from the Australian Accounting Research Foundation to the Australian Accounting Standards Board, and that responsibility

"Warringah supports the NSW Auditor General playing a significant role in reviewing the long term financial plan of councils and the quality of the information and assumptions underlying the forecast. This oversight should also be extended to reviewing the financial statements and would improve the rigour and transparency of the process." (Submission 24 – Warringah Council)

for reporting on the matters set out in Clause 227 of the Local Government (General) Regulation should be transferred from the auditor to the governing councillors to align with normal practice for Company Directors. *"This proposed change in responsibility would assist councils in taking ownership of the financial performance of their councils."* (Submission 80 – Local Government Auditors' Association of NSW Inc)

Enforcement (Chapter 17) - Suggestions were received that the provisions relating to penalty notices should be made more flexible and extended to apply to a variety of other situations. It was proposed that expansion of the application of penalty notices on a graduated scale would offer greater deterrent than the current time-consuming expensive court process required to enforce other notices and orders.

Alcohol Free Zones and Alcohol Prohibited Zones - The provisions relating to the establishment and maintenance of Alcohol Free Zones and Alcohol Prohibited Zones were criticised for being too onerous, inconsistent and complex. It was submitted that the provisions be integrated into a single set of criteria for determination and implementation of alcohol restriction in a public place.

Water Management

The Taskforce received several submissions specifically on the topic of local government acting as water authorities.

Additionally the State Government is currently undertaking a joint review of the *Water Industry Competition Act 2006* and the regulatory arrangements for water recycling under the Local Government Act and the Independent Local Government Review Panel is also considering appropriate structures.

The main thrust of these submissions is the need to rationalise the regulatory framework within which water utilities must operate to remove inconsistencies and overlap from the system and to ensure clear regulatory roles and responsibilities.

"A number of other agencies, including the Division of Local Government, NSW Health, the Office of Environment and Heritage and the Dam Safety Committee, are each responsible for aspects of the regulation of the NSW local water utilities (Submission 104 – Department of Primary Industries – Office of Water)

"We are not attached to a particular regulatory model for LWUs. However, the regulatory model must be robust enough to allow flexibility in structural arrangements of the utilities to best support the services it provides to the community and remove regulatory duplication" (Submission 66 – Water Directorate Inc)

"We encourage the taskforce to consider the separation of water services from general purpose councils, by either strengthening the county council model, or considering the possible development of a Local Water Utilities Act." (Submission 33 – MidCoast Water)

"Ideally, local water utility regulation would be grouped together in the Act and its regulation covering service provision, customer relations, governance and economic regulation and establishing a single regulator for these issues." (Submission 98 – Local Government & Shires Associations of NSW)

The submissions proposed various ways in which this could be achieved, including the development of a specific Local Water Utilities Act.

Technology and Communication

A common theme through the workshops and submissions is that the current Act does not reflect modern technology. Further still the inability of councils to be able to utilise modern technology in some instances resulted in decreased efficiency and effectiveness and avoidable costs to councils. Some of the areas where it was suggested that the utilisation of e-technology would be valuable included: recruitment; tendering; community engagement; data management; and even attendance at meetings. The quotes below illustrate some of the suggested uses that could be made of e-technology to assist councils increase efficiency and improved communication with their community.

"To deliver the facilities and services the community needs, it's absolutely vital that a council communicates effectively with its community. Unfortunately however, the provisions in the current Act (see Chapter 17, Division 3, sec 705-707 in relation to notices fail to reflect modern communication opportunities and the ways in which people generally seek information from Government." (Submission 44 – NSW Business Chamber)

"Current legislation states that data should be held within the State. With the emergence of 'Cloud Services', this increasingly becoming a barrier to effective data management." (Submission 29 – Shoalhaven City Council)

"The sections of the Code of Meeting Practice need to reflect current business and meeting practices, including the use of technology. Specifically the requirement to produce hard copy business papers." (Submission 93 – Tweed Shire Council)

"The Act should allow for Local Government to be technologically connected – taking into account advances in technology in the present and future when dealing with advertising, consultation with the community, methods of communication and delivering its services to the community." (Submission 15 – Camden Council)

Addressing - The Taskforce received a number of submissions specifically directed at the issue of property addressing. These submissions suggested that the new Act give local government the express authority for address information in NSW. *"In the best interest of community safety and service provisions give councils the authority to apply address information and the direct creation and application of all address information within their boundaries."* (**Submission 16 – Local Government Address Working Group**)

Legal Status (Section 220) - In 2008 the Local Government Act was amended to change the legal status of NSW councils from "bodies corporate" to "body politic". Concern was raised about *"the potential 'unintended' consequences' that may arise through the removal of councils' status as bodies corporate."* (**Submission 98 – Local Government and Shires Association**), together with a recommendation that *"the bodies corporate status should be restored to councils..."*

v) Should the City of Sydney Act be retained and if so, how can it be improved?

Several very detailed submissions were received in support of retention of the City of Sydney Act 1988. These submissions were largely predicated on the unique nature of the City of Sydney and its importance as a global city.

- *"A separate City of Sydney Act would be, in itself, a statement of recognition by the Parliament of NSW that:

 - the city of Sydney is NSW's principal city and Australia's global city,...
 - arising from this unique status, the City of Sydney faces complex issues and unique challenges which require a bespoke approach to its governance*
- *A separate city of Sydney Act could and should provide a framework and positive force for a productive relationship based on mutual respect and cooperation between the Government of NSW and the Council of NSW's principal city." (Submission 17 – Lord Mayor of Sydney, Clr Clover Moore)*

"There is a strong, evidence-based case for retaining the City of Sydney Act as it provides an effective mechanism for dealing with both State and nationally significant issues of transport and development in the centre of the most important capital city in Australia." (Submission 94 – City of Sydney Council)

The submissions also pointed out that with the exception of Perth and Hobart all other State capital cities have their own Acts.

The main purposes of the City of Sydney Act are:

- to establish the Central Sydney Planning Committee and the Central Sydney Traffic and Transport Committee; and
- make provision for the non-residential voting franchise which differs from the qualifications applying in the remainder of NSW.
- make provision for special environmental planning powers, including where development is uncompleted or for conditional donations to public space improvement projects.

In 2010 the State Government commissioned an Independent Review of the Central Sydney Planning Committee. This review confirmed that the Committee was an effective mechanism for managing the City's planning and development assessment.

While supporting the retention of the City of Sydney Act submissions to the Taskforce also included suggestions on how the Act could be improved, particularly in relation to enrolment in and maintenance of the non-residential electoral roll.

"In relation to the maintenance of the electoral roll, a number of Chamber members have expressed frustration with the requirement for non-residential and ratepaying lessee electors having to re-enrol at each and every local government election..."

The enrolment process "...could very much be simplified if a standing pro-forma application process for non-residential electors were developed." (Submission 44 – Sydney Business Chamber)

Suggestions were also received that *"It may be appropriate to expand the provisions of the CoS Act to other major metropolitan cities (such as Parramatta and Liverpool) and for major regional centres."* (Submission 44 – Sydney Business Chamber)

The Taskforce also received submissions and feedback expressing the contrary view and suggesting that there was no case for retention of a separate City of Sydney Act, as special requirements for the City should be provided for within the Local Government Act.

"The City of Sydney Act should be incorporated into the new Local Government Act. The Act should represent a whole of local government approach, not separated by different Acts for areas. This is additional red tape for staff, councillors and the community to consider." (Submission 19 – Port Stephens Council)

"Unless there are very compelling reasons to do so, all NSW local councils should be constituted and regulated by the one Act of Parliament." (Submission 35 – Manly Council)

APPENDIX II - LIST OF ABBREVIATIONS

“Act” means the *Local Government Act 1993*

“Committee” means the Local Government Project Review Committee

“Independent Panel” means the Independent Local Government Review Panel

“IPART” means the Independent Pricing and Regulatory Tribunal

“IPR” means Integrated Planning and Reporting

“LAP” means Local Approvals Policy

“LOP” means Local Orders Policy

“PPP” means Public Private Partnerships

“ROC” means Regional Organisation of Councils

“Taskforce” means the Local Government Acts Taskforce

COFFS COAST CYCLE CHALLENGE MARKETING AND PROMOTION - VISIT TO LAKE TAUPO NZ BIKEFEST

Purpose:

The Rotary Club's vision is to establish a signature event on the Coffs Coast comprising a Cycle Challenge with thousands of participants as part of a cycling festival. Participants would be accompanied by their families and supporters. The event would generate significant revenue for the City as well as raising money for charity.

This report gives some feedback about Council's Road Safety and Transport Officer's visit to Lake Taupo with two members of Coffs City Rotary Club and makes recommendations for ways in which Council might play a part in accomplishing the Club's vision of a similar event in Coffs Harbour.

Description of Item:

The Road Safety and Transport Officer accompanied two Coffs City Rotary members to the 2012 Lake Taupo Cycle Challenge, NZ (funded by Council and the Rotary Club) held on Saturday 24th November 2012. She delivered a letter to the Lake Taupo Mayor with greetings from the Coffs Harbour City Council Mayor. They held discussions with the BikeFest organisers, Rotarians and Council staff and observed the way the events were conducted to inform decisions they will make about the Coffs Cycle Challenge in 2013.

Coffs Coast tourism part funded the production of a 2-sided flier: one side with the details of the 2013 NAB Coffs Coast Cycle Challenge with reference to the website (coffscoastcyclechallenge.com) and the other side promotion of the "101 Things to Do on Coffs Coast" promotion with reference to coffscoast.com. 3000 were printed and about 1000 were distributed in the City of Taupo, New Zealand when the Lake Taupo Cycle Challenge was being held in late November 2012.

Lake Taupo Cycle Challenge

The Contact Lake Taupo Cycle Challenge is New Zealand's largest cycling event and the world's largest cycling relay. One of the reasons the iconic Cycle Challenge is so popular is the wide range of events available to participants of varying abilities and fitness levels including the Solo 160km around Lake Taupo, road and mountain bike relays, mountain bike challenges, separate Men's and Women's races, corporate challenges, Enduro events (2, 4 and 8 laps of the lake) and the @Heart ride for kids.

In 2012 the Cycle Challenge attracted 8,200 riders across all the events. A record number of 11,500 participated in 2009. The reduced number was attributed to the GFC (fewer corporate teams), and the increase in the entry fee. In 2006, the Challenge was admitted to the prestigious UCI Golden Bike Series, gaining recognition as being one of the world's top six rides. It also makes up one of the events in BikeNZ's Summer Series.



<http://www.greatlaketaupo.com/new-zealand/CycleChallenge/>

The City of Taupo markets itself as an “Events Capital” – in particular adventure activities. It boasts some of the best mountain bike tracks as well as other events highlighting the magnificent lake (the largest in NZ) and the mountain/volcanic landscape. The challenge route circumnavigates the lake and passes through a beautiful rural setting. It is a challenging but accessible ride with excellent road surfaces, good road geometry and relatively low traffic volumes. There is only one route for the road cyclists (160km solo, or various relay options, or multiple laps along the same route). It is a spectacular location, scenery and pavement. All roads have a marked centreline, mostly marked edge lines and no potholes or pothole patches. More than 150km of the route is in a rural setting; 50km is on the No. 1 Highway.

Bike friendly messages are conveyed to the community and visitors that Taupo is a bike friendly town – the event encourages more locals to ride; there are good facilities for cyclists and banners, signs and infrastructure which supports cyclists.

The rides start and finish at the “Domain” – an Events Centre and open space adjacent the town centre thus ensuring a close relationship with the commercial business houses. The Great Lakes Event Centre is hired by the event from the Council with the adjacent open space of approximately four hectares. The Domain also contains the tourist information centre, a playground and the library.

Sports and Lifestyle Expo held in the Domain is popular with riders registering on Friday. There were 23 exhibitors in 2012 with a rental revenue of approximately \$30,000. The organisers say their Event Centre is not big enough and they would include more exhibitors if they could.

We could see the advantages of holding the event on a Saturday: volunteers and other workers were available on Thursday and Friday for the set up – including Council volunteers. A local high school provides students as volunteers for the registration tent. Council personnel assist with event management and promotion as well as manual tasks such as loading relay bicycles on to portable frames for transport to the interchange points.

The impression we gained was that the whole town was behind the event: there were signs that the town supported cyclists everywhere:

- There is a prominent link to the tourism website with cyclists featured up front on the Taupo District Council website: www.taupodc.govt.nz/
- The Tourist website promotes the area as an “Events capital” and features a lot of information – particularly about mountain biking: <http://www.greatlaketaupo.com/new-zealand/>
- The Mayor is a strong supporter of the event and one of the Councillors has been a key organiser of the event for many years.
- There were banners advertising the event along the arterial road fronting the lake and posters and other signs around the CBD.
- A 4m bike sculpture has been erected on the outskirts of the town at a cost of more than \$40,000. The sculpture promotes Lake Taupo as a cycle friendly town and alerts drivers to their presence. They were discussing the possibility of a second sculpture at the northern entrance to the town.
- Prominent bike parking in the main retail centre
- Access to the town centre via car is limited on the day of the event.

NAB Coffs Coast Cycle Challenge

The NAB Coffs Coast Cycle Challenge has been held for three years - now established at the beginning of August.

Volunteers have started to work with bike groups to organise the inaugural bike festival in July – August 2013. Several events are already proposed involving the Mountain Bike Club, the Downhill Racers, the BMX Club, the Bicycle Users Group and other stakeholders.

The event is organised by volunteers from Coffs City Rotary Club and others. About 100 volunteers assisted with the event last year. There were approximately 400 participants in this event in 2012 including the 100km ride, a 60km ride, relay events and a family event (10km).

Council has been a silver sponsor for the 3 years (\$4000).

The Road Safety and Transport Officer attends committee meetings, assists with the organisation of the event including promotion of safe cycling, traffic management and on the day of the event.

The event is listed on the Council and Coffs Coast calendar of major events; and cycling is included in the "101 Things to Do on Coffs Coast" promotion.

Sustainability Assessment:

- **Environment**

In the December quarter of 2001 transport was the second largest emitter of greenhouse gas emissions. It accounted for 88.6 million tonnes of carbon dioxide equivalent or about 16 per cent of total emissions with cars contributing around half of this. Travel behaviour studies across Australia have shown significant reductions in household emissions from reducing the amount of short trips made by car. Riding a bike is considered to emit negligible greenhouse gases.

The event sends strong messages to the community that cycling is the norm which improves traffic congestion and clean air.

- **Social**

Cycling provides benefits to community wellbeing, social capital and community engagement. It offers tangible benefits for those who participate, but also for society as a whole. Cycling plays a role in providing more independence to children; improving the quality of life for communities and supporting tourism.

This event brings the community together and encourages healthy activity by providing a goal to work towards, and a striving to improve riders' "personal best".

People also support this event because of its charitable affiliations.

Civic Leadership

The promotion of cycling is a key outcome in the Coffs Harbour 2030 Community Strategic Plan (MA2). The Road Safety and Transport Officer convenes a Council Bicycle Users Committee. One of its terms of reference is to promote cycling events in the city. Interest groups have expressed a desire for a major cycling event in Coffs Harbour. This meets the criteria, and has the potential to grow into a very large event. Council is seen as a leader in sustainable transport initiatives, and its support of this event would be consistent with this aim.

- **Economic**

Broader Economic Implications

The Lake Taupo Challenge generates millions of dollars for the town and the designated charities. It is a business operated by full time organisers. The support from the Council is clearly justified by its popularity and exposure for the town.

The learning points for the Coffs City Rotary Club are many, and the success of the Coffs Harbour event hinge on their drive and enthusiasm for the project, and the support they gain from other cycle groups and stakeholders.

The Taupo event organisers are questioning whether their event is too big and that the objectives have changed from a fund raising event to maintaining their status as a key cycling event in New Zealand. Their profits are less now (\$150,000 compared to \$300,000 several years ago) because they employ a team of organisers whereas it used to be run by volunteers. One organiser thought that the optimum size for an event of this kind was 5,000 – the logistics become more complicated and the demands from sponsors increase as the numbers grow.

The growth of this local event will benefit Coffs Harbour economically since it brings riders and their families to Coffs Harbour in the off peak season (August). The weather at this time of year is cool and dry – perfect for a cycling event. 60% of the participants in the 2012 event were from outside Coffs Harbour. The experience of Lake Taupo shows that there is the potential to “value add” additional events to create a Cycling Festival over a period of two weeks.

Cycling is seen as “the new golf”. Cyclists are often professional people who tend to spend more on food and beverage and accommodation. Bicycle retailers and other related industries such as bike hire and mechanical services also benefit from increased numbers of cyclists whether local or visitors.

In Taupo, participants registering on Friday can also visit the Sports and Lifestyle Expo. There were 23 exhibitors in 2012 with a rental revenue of approximately \$30,000.

Currently, the event is focused on the Jetty Foreshores. Creating improved facilities in this area for events could encourage this and other events and increase marketing opportunities for retailers and other businesses in the Jetty.

Delivery Program/Operational Plan Implications

Continued financial support by Council will require an allocation of \$4,000 per annum to sponsor the event.

The Road Safety and Transport Officer could continue to offer assistance with the event and the inaugural festival this year provided that the work does not compromise other programs.

There is the potential for Council staff to voluntarily assist the event in work time. This also would be on condition there is no detrimental impact on existing Council services.

Consultation:

The Road Safety and Transport Officer has discussed this trip with Council staff and will report back to members of the bicycle committee.

Related Policy and / or Precedents:

The Buskers Festival
Sustainability Festival
Christmas events in the retail centre.

Statutory Requirements:

N/a

Issues:

The City Rotary Club has canvassed Council on a consistent basis to gain support for this event. They have demonstrated that they have the capacity to run this event successfully. The Rotarians are determined to grow this event to be significant in the Coffs Harbour calendar – as well as an important fund raiser. The support of this event is consistent with the aims of the 2030 plan and Council's vision of a sustainable city.

There are many other events competing for Council resources, so staff need to be equitable in their approach; Event staff are moving away from the model of support for individual events.

Council has donated approximately \$4,000 each year from the Mayor's Donation fund. Community members have to apply annually for this program so Council cannot guarantee forward funding.

The following is a list of strategies and ideas that were observed in Taupo and could inform Council's planning:

- Council supports the event both through the use of 2-3 staff to assist with promotion and management of the event.
- Alternatively, Council could make modest office space available for the (Rotary) event administrator to operate for six months prior to the event each year.
- Taupo District Council also allows operational staff to volunteer on the registration day at no cost to the event.
- The Events Centre with the adjacent Domain works well as a central start/finish line, a meeting point for all the participants and a location for the Expo. The Centre has to be in the Central Business District and close to accommodation and cafes / restaurants. The Council may wish to look at Open Spaces and potential event centres which have similar advantages in Coffs Harbour.
- Council could erect banners, signs, features (such as the sculpture) to support the event.
- Council assists with the organisation of road closures.
- The roads and line marking need to be in good condition.
- Councillors may wish to “adopt” an event – to endorse it as a key event and assist with its promotion.
- The Council website could have a prominent link to the tourism website, and feature pictures of cyclists on both sites – both could have links to the event website. There should be a strong emphasis on events and cycling.

Implementation Date / Priority:

First week in August annually

Recommendation:

1. That Council support the NAB Coffs Coast Cycle Challenge in the following ways:
 - A commitment to silver sponsorship of \$4,000 annually from the Mayor's Donation Fund.
 - Services of the Road Safety and Transport Officer to assist with traffic management and bicycle safety issues. Also as a liaison with the Council Bicycle Users Committee. Staff participation will be subject to no adverse impact on Council services.
 - Staff assist the event voluntarily on a weekday if requested subject to no adverse impact on Council services.
 - Event administrator to have access to Council office facilities (a desk) for six months prior to the event subject to there being no cost to Council.
2. The Jetty Foreshores Working Group consults the Coffs City Rotary Club and other events organizers to include large events infrastructure in the vicinity of the Foreshores.

Attachment

Proposal for Council support from Coffs Harbour City Rotary Club.

1. Council's Road Safety and Transport Officer to continue to be a member of the Cycling Event Committee of Coffs City Rotary.
2.
 - A. Subject to Coffs City Rotary funding a Rising Star Scholarship with Southern Cross University currently at a cost of \$5,500, including GST, per year and receiving in return a final year student from the Faculty of Tourism and Hospitality Management for a 20 week internship (the first to commence on or about 03/06/13) Council to provide office accommodation, equipment and facilities for that intern preferably in its Sports Unit.
 - B. That intern to learn and obey Council's Code of Conduct and any and all other relevant policies.
 - C. Whilst the predominate work duties of that intern will be to assist Coffs City Rotary with the administration of the NAB Coffs Coast Cycle Challenge and to a lesser extent its Rotary Golf Day and Rotary Wine Appreciation Event subject to time permitting that intern will otherwise be available to assist Council Staff and must at all times obey Council's workplace practices and the lawful directions of Council's staff.
3.
 - A. Council will continue as a Silver Sponsor of the NAB Coffs Coast Cycle Challenge presently at a cash cost of \$4,200, excluding GST, per year.
 - B. Coffs City Rotary may in line with other cash sponsorships for the NAB Coffs Coast Cycle Challenge annually vary that cash sponsorship but not by more than the proportional variation in the CPI Sydney.
 - C. Council will at its option otherwise continue to assist Coffs City Rotary as desired with the marketing, promotion, presentation and conduct of the NAB Coffs Coast Cycle Challenge and may charge Coffs City Rotary agreed rates or amounts for such works and or services.
4. The intention is that these arrangements will be for a fixed term commencing retrospectively on 01/01/13 and continue for a period of three years with Council and Coffs City Rotary doing a review of them in the 3rd year of that term aimed at putting in place a similar arrangement for a further term of three years.
5. Council and Coffs City Rotary must at all times act in good faith towards the other of them.

BOAMBEE PUBLIC SCHOOL ZONE, LINDSAYS ROAD, MIDDLE BOAMBEE

Purpose:

To report on investigations on traffic conditions at Boambee Public School as resolved at Councils meeting of 13th December 2012.

The report addresses road safety and access countermeasures recently implemented and progress on the following issues:

- Application to Roads and Maritime Services for a school crossing supervisor at the Lindsay's Road children's crossing
- Rescheduling of Sawtell Coaches morning service to stop on the southern side of Lindsay's Road so that students have to cross the road to access the school
- School community's concerns about limitations of on-street parking and narrow road

Description of Item:

Boambee School is located in Lindsay's Road West of the Pacific Highway overpass. The speed limit on Lindsays Road has recently been lowered from 60kph to 50kph and a 40kph school speed zone is in place adjacent the school. The school has a small road frontage with very limited on street parking. There is approximately 120m of school frontage allocated for bus zones on the north and south side of the road and a bus turn-around / interchange at the intersection of Lindsay's Road and McAlpine Way which does not provide for parent parking.

Despite the site constraints, the school has increased its enrolments to almost double the size for which it was originally intended with no additional on site parking. The school has seemingly reached capacity and is unlikely to grow any more.

Council has been working with the Boambee Public School for a number of years to look at ways to improve pedestrian safety, bus access and access to parking during peak pick up / drop off times.

In 2003 as part of the Englands Road - Lyons Road Pacific Highway upgrade project the RMS carried out extensive road widening, footpath, kerb and gutter and drainage works along the Lindsay's Road school frontage. This work also included construction of a formal bus turnaround bay near McAlpine Way.

In 2004 Council funded a short extension of footpath adjacent the school car park in Lindsays Road, which due to the site constraints required a retaining wall and drainage works - cost \$22,000.

In 2009 – 2010, in consultation with the school, Council again extended the footpath construction to the bus turnaround area at McAlpine Way - cost \$66,728. This was done on the understanding that the school would encourage parents to park in the McAlpine Way area and encourage more students to walk to school.

As a result of a service review in September 2012, Sawtell Coaches rescheduled a morning school service to stop on the southern side of Lindsays Road where previously it had stopped on the northern side adjacent the school gate. The service change resulted in approximately 20 students ranging from 5 to 12 years old having to cross Lindsays Road unaccompanied in the mornings. This change to the bus service initiated the latest complaints in relation to access and road safety at the school.

Council's Road Safety and Transport Officer however has collaborated with the school community, the bus company and Transport for NSW to review this arrangement. The matter has now been resolved with the service reinstated on the northern side of Lindsays Road.

In addition, Council's Road Safety and Transport Officer has been assisting the school to improve its traffic management and resolve some of their road safety concerns with the following improvements achieved;

- Traffic signs audited and some modifications made. This has resulted in a No Parking (drop off) zone operating morning and afternoon for about 70 metres (approx. 13 vehicles). Extra staff members assist with traffic management in the afternoons resulting in a significant improvement in parking behaviour and a more effective pick up procedure.
- Buses have left the school zone by 3pm, so bus zone signs have been amended allowing parking for an additional 17 vehicles after this time.
- Rangers will be patrolling the school zone in term two to enforce parking restrictions.
- The school applied to the Roads and Maritime Services (formerly RTA) for a school crossing supervisor, but this application was denied as the number of pedestrians did not meet the warrants. However, the main concern was the students from the morning bus stopping on the south side. Since this issue has now been resolved, the school is happier that it can manage the 65 students crossing to the bus zone in the afternoon.

There are still some concerns about vehicles parking in the narrower section of the road west of the school. The parking reduces the available road width and occasionally prevents bus access if vehicles do not park fully on the grass verge. The school Principal would still like this section widened.

Council has also applied to the RMS for Bus Priority Program funding to upgrade the bus turnaround on the corner of McAlpine Way and Lindsays Road to provide a shoulder for parking (approx 5 vehicles) and a footpath link (approx. 300m from school entrance). The current funding application is for the 2014/15 program and works could commence in July 2014 if the application is successful and Council agrees to provide matching funding.

Sustainability Assessment:

- **Environment**

Encouraging walking, cycling and public transport options to school is more environmentally friendly and trains the next generation to use active transport.

- **Social**

Many of the safety issues have been addressed and would be minimized with consistent cooperation from the parents picking up their students, particularly complying with the 'no stopping' zone west of the school.

Students would benefit from more active transport options to access the school which would ease congestion in the area. This would require some education and encouragement from the school community and Council.

- **Civic Leadership**

MA1.2 We have policies that support increased usage of public transport and reduced car dependency

MA1 We make use of an excellent, environmentally friendly public transport system.

MA2 Many of us walk and cycle from place to place

MA3 We are well connected to each other and services

- **Economic**

Broader Economic Implications

Council has a significant backlog of road pavement and kerb and gutter reconstruction projects which would have higher priority in Council's Asset Management Plan than kerb and gutter construction on Lindsays Road. Council has spent \$89,000 on school frontage infrastructure in Lindsay's Road since 2004.

Delivery Program/Operational Plan Implications

The estimated cost for construction of kerb and gutter and footpath from 37 – 49 Lindsays Road as requested by the school community is \$39,400. A portion of these costs could be recouped from adjoining land owners if Council chooses to apply the kerb and gutter contribution under Section 217 of the Roads Act 1993. (Estimated total contribution \$8,500).

Council's application to RMS for bus stop priority matched funding is \$34,500 (requiring an allocation of \$17,250 from Council). The works would include resealing the eastern section of McAlpine Way for 100m widening to incorporate 2.5m shared parking / pedestrian lane with 1m shoulder. The funding would also provide a concrete footpath to connect the existing path in Lindsays Road to McAlpine Way and a reseal and linemarking of the bus interchange.

Consultation:

As detailed in this report extensive consultation has been carried out with the Boambee Public School Principal, the Boambee School Community, Roads and Maritime Services and Transport for NSW.

Issues:

The school's location on Lindsays Road means that there will always be limited parking options. The widening of Lindsays Road from house numbers 37-49 would allow for 15 formal on-street car spaces at a cost of \$39,400. This road length however is currently utilised by parents parking on the grass verge so the number of additional spaces provided could only be 6-7. With a school population in the order of 280 students, around 40-50 vehicles could be attempting to park near the school in the 15 – 20 minute peak periods.

The school has made some great efforts to manage traffic to make the most of the space available. There are more ways that parents could alleviate congestion at school closing time such as staggering arrivals and using the buses and active transport more.

If RMS agreed to provide matched funding to upgrade the intersection of McAlpine Way and the bus interchange, this would allow for parking in McAlpine Way and footpath access to the school. This may also allow students to walk from the Middle Boambee area to school. This is a more cost effective way of providing more options for the school community without further congesting the school zone.

Implementation Date / Priority:

The works could be scheduled early in the 2014/15 works program if funding is approved.

Recommendation:

That should Council be successful in its application for funding to the Roads and Maritime Services for the McAlpine Way and Lindsays Road bus interchange improvement works under its Bus Priority program, Council consider allocation of \$17,250 matching funding for the project in its 2014/15 Delivery Program.

ADDITIONAL INFORMATION FOR NEW TENDER FOR SPORTZ CENTRAL

Purpose:

To provide additional information as requested by Council following its consideration of a report to invite tenders seeking proposals for alternative management models in addition to the current one for Sportz Central.

Description of Item:

At the March 27 meeting of Council a report (attached) was considered seeking tenders for the management of Sportz Central. At that meeting Council resolved:

"That the matter be deferred until next meeting of Council, staff to provide more information."

Due to the Easter break and the need to consult with the Management Committee of Sportz Central this report was unable to be presented to the next meeting of Council, however is now available for consideration.

As outlined in the previous report Council advertised for tenders in April 2012 for the management of the Sportz Central multipurpose and recreational facility as a Management Agreement for the day to day operations facilitated through a Section 355 Management Committee.

Requests for tender included the following terms:

- Three year contract term.
- Management fee \$137,000 per annum plus GST (funded from the operating revenue of the facility).
- Incentive fee 25% of net profit
 - 2010/2011 \$3236.24
 - 2011/2012 \$4584.32
- Council responsible for \$30,000 per annum for internal maintenance (provided to the Management Committee).
- External maintenance responsibility of Council.
- Council responsible for \$25,000 per annum toward operating expense for cleaning (provided to the Management Committee)
- Total gross profit from kiosk before wages and ancillary expenses -
 - 2010/2011 \$63,000
 - 2011/2012 \$69,000
- Management fee subject to CPI adjustment annually

No tenders were received in the month long advertised period. The Local Government (General) Regulation 2005, Clause 178(3) states:

- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Consequently this has resulted in an internal review process being undertaken.

Currently, the existing management company is in the second six month extension at the advertised management fee, with Council delegating the care, control and management overseen by the Section 355 Committee.

As was outlined previously there are a number of options which Council may consider:

Option 1 – Invite tenders based on the same Management Agreement and tender documentation.

Option 2 – Invite tenders in accordance with Option 1 but, in addition, also inviting tenderers to submit alternative options that may help Council to better address the key challenges associated with the facility

Option 3 – Directly negotiate with any person with a view to entering into a contract, provided Council's resolution to do so states Council's reason for declining to invite fresh tenders and the reason for determining to enter into negotiations

Option 4 – Direct management by Council.

These options are discussed in the issues section of this report.

Sustainability Assessment:

- **Environmental:**

No environmental issues are considered relevant.

- **Social**

Sporting facilities are an important part of our community.

- **Civic Leadership**

The proposal supports the themes of the Coffs Harbour 2030 Strategic Plan specifically 'Places for Living' and 'Looking after our Community' by addressing the specific priorities; 'Our built environment connects us and supports us in living sustainably' and 'Our community is healthy, informed and engaged'.

- **Economic**

Broader Economic Implications

The availability of suitable sporting venues are a part of attracting new residents.

Suitable court space and a high standard facility are crucial to attracting sporting events to the city.

Delivery Program/Operational Plan Implications

Implications in terms of the Delivery Program / Operational Plan are dependent on how Council resolves to proceed.

If a new contract similar to the current one is entered into (as per option 1), costs will be able to be accommodated within current estimates in the draft 2013-17 Delivery Program.

If Council sought alternative proposals in addition to the current management model (option 2) and an alternative tender was deemed most advantageous, Council may reduce the quantum of funds provided to operate the facility and/or achieve other objectives such as increasing the amount of court space available, or increasing revenues via increased usage of the facility.

If Council was to negotiate directly with a person or persons (option 3), it is very unlikely that Council would achieve a better result than what would be achieved based on a competitive process (options 1 or 2). The alternative motion considered by Council at the 27 March 2013 meeting would have an impact on Council's Delivery Program is estimated to be in the order of \$20,000 to \$25,000 per annum.

If Council was to manage the facility directly (option 4), there would be substantial cost increases arising from payment of penalty rates for working after normal hours / weekends under the NSW Local Government (State) Award 2010.

Consultation:

Consultation and discussion has occurred with relevant sections of Council staff, the Section 355 Management Committee and the existing contractor in preparing this updated report.

Related Policy and / or Precedents:

Council has a Statement of Business Ethics which provides an ethical framework for individuals & organisations that enter into a business relationship with Coffs Harbour City Council.

This Statement of Business Ethics is built on following principles:

- Best value for money
- Fairness & impartiality

Statutory Requirements:

Council has a legislative obligation under section 55 of the *Local Government Act, 1993* and Part 7, Tendering, of the *Local Government (General) Regulation 2005*.

The NSW Division of Local Government has produced Tendering Guidelines for NSW Local Government that aim to assist councils in applying clear policies, consistent procedures and effective risk management strategies in accordance with the *Act*, the *Regulation* and other relevant legislation. They are prepared by the Director General of the Department of Premier and Cabinet under section 23A of the *Act* and therefore must be considered by councils as part of the tendering process.

The Guidelines set out principles consistent with Council's Statement of Business Ethics.

Issues:

As noted in the previous report, when no tenders were received, a decision was made to review the Sportz Central operations to identify opportunities for improvement.

Significant research of other regional facilities has been conducted during the review by making phone and email contact with operators, contractors and the relevant Council staff at around ten facilities including Tamworth, Port Macquarie, Wagga, Ballina and Orange.

There were also discussions with the IFMG (International Facilities Management Group); YMCA (Young Men's Christian Association) and the PCYC (Police Boys Citizens Club), all of whom indicated an interest in the Coffs Harbour facility.

These discussions were initiated in order to provide a broad, informed and evidence based report on the opportunities and issues relative to the differing industry models and associated operators.

The result of this review and subsequent consultation with the Sportz Central Management Committee was to seek fresh tenders along the lines of the original tender documentation, but also encouraging the submission of alternative options to better address the key challenges associated with the facility.

KEY CHALLENGES

The key challenges for the future of the facility (the first two are discussed in more detail below) are:

- **Insufficient court space:** current and future demand for court use in peak times exceeds capacity
- **Increasing cost to Council:** recent and potential future increases
- **Event attraction:** ability to attract premium competition and cultural events with the emergence of improved regional facilities at Tamworth, and major expansions proposed for the Port Macquarie indoor stadium
- **Asset management:** maintenance and eventual renewal of infrastructure (the facility is 25 years old).

Potential challenges that may arise with alternative management models if option 2 was pursued are:

- **Stakeholder Engagement:** continuing to facilitate the input of community stakeholders into the operation of the facility as is currently achieved via the Management Committee
- **Equity of access:** equity of access and affordability of the facility

Insufficient court space

With regards to challenge of the availability of court space, Council in conjunction with Simon Leisure Consulting completed the Coffs Harbour Sports Facility Plan in 2010. The Plan identifies "*a long-term strategic direction for the provision of a range of upgraded and new sporting facilities to meet the current and future demand for sporting facilities in the Coffs Harbour LGA to the period 2031, and beyond*".

Benchmark data for full size basketball courts indicates that a total of seven courts should be provided for our current population of 70,000 and 10 courts for our future population projection of 100,000 by 2031.

Sportz Central has a total of three full courts and there is one court at CHEC, providing a current shortfall of 3 courts for the existing population.

Currently Sportz Central operates at approximately 70% capacity overall, with peak times above this. Impediments to improving this include availability of sufficient courts for local competition, especially in regard to accommodating appropriate sports on adjoining courts (OH&S restrictions).

The current 2012/2013 Sportz Central Business Plan identifies an opportunity to plan two new courts as soon as possible “to bring Coffs Harbour back up to the Premier status it has enjoyed since 1987”

Increasing cost to Council

With regards to Council's increasing financial contribution to operate the facility, following is an outline of the last three years financial outcomes for Sportz Central corresponding with the term of the last contract, which as noted above has been extended while the review is undertaken.

Year	Financial Result (before contribution)	Council contribution		Financial Result
		maintenance	cleaning	
2009/10	-66,250	25,000	-	\$ - 41,250
2010/11	-13,150	30,000	-	\$ 16,850
2011/12	-37,625	30,000	25,000	\$ 17,375

Note that the financial result includes loan repayments of \$27,950 as a result of capital upgrades to increase the use, useability and business opportunities of the facility. Figure for 2011/12 includes increased electricity costs of \$7569.78(+28%) over the previous year.

The above figures clearly indicate that the profit of the past two financial years has occurred only because Council has increased its contribution. It also indicates the pressure on Council to continue to fund an expanding financial short fall due to increasing maintenance and outgoings on an ageing structure, plus the need for the ageing facility to compete/maintain visitation by continually upgrading the facility with subsidised loans. The above figures do not include the cost of external maintenance to Council.

OPTIONS TO ADDRESS KEY CHALLENGES

As noted above and in the previous report, the following options are available to Council.

Option 1 – Invite tenders based on the same Management Agreement and tender documentation.

Option 2 – Invite tenders in accordance with Option 1 but, in addition, also inviting tenderers to submit alternative options that may help Council to better address the key challenges associated with the facility

Option 3 – Directly negotiate with any person with a view to entering into a contract, provided Council's resolution to do so states Council's reason for declining to invite fresh tenders and the reason for determining to enter into negotiations

Option 4 – Direct management by Council.

OPTION 1: Invite tenders based on the same Management Agreement and tender documentation

Increasing court space: Apart from opportunities for grant funding, there is no capacity within the existing operations to fund additional court spaces.

Cost to Council: The management fee (\$137,000) is currently funded from the operating revenue on the basis that Council subsidises the internal maintenance and cleaning up to the value of \$55,000 per annum.

The model does limit potential interest from the broader industry as a whole due to a perception/restriction to exercise full decision making powers in relation to business practice on the part of the Contract Manager.

There are also limitations in relation to the current and future challenges to fund all critical streams of the business model for example expert marketing, repair and maintenance responsibilities and ultimately longer term sustainably including meeting future projected need without further expansion of the facility. There will be a consistent, ongoing expectation for Council to deliver increased operational and maintenance costs, particularly given the age of the building.

Marketing of the facility to attract events and more users (thereby increasing revenues) is the responsibility of the Management Contractor in consultation with the Section 355 Management Committee with outcomes measured as part of the annual performance review by Council.

Court hire fees and charges are at the final discretion of Council in consultation with the Management Committee.

In addition Council funds external structural maintenance.

A member of the Community and Cultural Development Branch also spends around ½ to 1 day per week providing support in terms of facilitation of the Section 355 Management Committee, support for special events attraction and seeking grant funding for improvements. The value of this contribution is in the order of \$15,000 per annum.

Asset Management: The Management Contractor has responsibility for internal maintenance in consultation with the Section 355 Management Committee utilising the \$30,000 currently provided by Council.

Council support has been available to assist with delivery of improvements unable to be totally supported by the facility's operating revenue.

Council is responsible for external maintenance.

Community Input and Equity of Access: The Section 355 Committee structure, in addition to advocating on behalf of patrons, promotes volunteer user group representation in a consistent formal manner, recognising the previous legacy of community input and commitment. The model ensures fair and equitable community access is delivered directly to the community, ensuring a higher standard of facility presentation and care. The structure can empower community decision making ensuring local people are addressing local needs.

OPTION 2: Invite tenders in accordance with Option 1 but, in addition, also inviting tenderers to submit alternative options that may help Council to better address the key challenges associated with the facility

Council is not bound to accept any tender. The principle behind seeking alternative tenders is simply to ensure Council is appraised of all opportunities available to it in order to best meet the substantial challenges it faces with operating the facility.

Depending on the offer, there are potentially advantages in terms of an offer that:

- facilitates access to additional court space
- results in a reduced financial contribution from Council whether it be due to economies of scale (for example, in human resources, cleaning, management, etc.), access to additional marketing resources, product development or other factors
- improves the ability to attract events, be it through additional court space or marketing resources.

The review highlighted that alternative models could have the potential of strengthening key partnerships for leveraging government funding for improvements and /or expansion of the facility into the future.

The review highlighted that the social outcomes derived from expert organisations that operate independently are apparent, and may vary depending whether the contractor has additional core objectives beyond the contracted Council services. An example would be a Not for Profit organisation that have a focus on improving the lives of youth, family, healthy living, developing young people and those less fortunate.

This does not preclude the Council from gaining acceptable social outcomes relative to fair, diverse and equitable use under an alternative model, and could have the potential to actually increase these outcomes. This would be guaranteed through an efficient MOU or service level agreement. This could include key performance indicators are measured and reported regularly.

The alternative models could be supported by an appointed volunteer advisory committee or equivalent body which advocates for user groups contributing to the delivery of service outcomes, whilst continuing to value the ongoing development of sporting codes and the past commitment of community stakeholders.

The potential issues associated with alternative models were seen to include the possible perception that the delivery of fair and equitable community access is under delivered. There may be inadequate management and staff resourcing particularly with a remotely managed facility where the contractor organisation head office is elsewhere. This would require emphasis on the implementation of contract conditions which prevent inadequate supervision. This remote management may also see a failure for the consolidated views from advisory committees who represent key user groups to be heard.

In relation to alternative models it was seen by the review that it was incumbent on Council to employ a transparent and accountable check process that recognises the specialisation of facility, therefore its management, and responds with expert consistency in all critical areas, including in the longer term strategic deliverables of the multipurpose asset.

OPTION 3: Negotiate directly.

In effect, if Council had resolved in accordance with the alternative motion moved at Council's 27 March meeting, this would have been a case of direct negotiation. It should be noted that if Council wishes to exercise the process of direct negotiation provided under clause 178(3)(e) of the Local Government General Regulations (noted above), it must state its reasons for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations.

It should be noted that Council's appointed Section 355 Management Committee have concerns about this course of action and would prefer to see the tender re-advertised.

The alternative motion proposed was:

1. *Council offer a contract to the current Management company Sportsrite Pty Ltd.*
2. *Three year term Management Agreement.*
3. *\$137,000 pa plus GST (funded from the operating revenue of the facility).*
4. *Incentive fee of 25% of net profit.*
5. *Council responsible for \$45,000 pa for internal maintenance (provided to the Management committee).*
6. *External maintenance responsibility of Council.*
7. *Council responsible for \$25,000 pa toward operating expense of cleaning (provided to the Management Committee).*
8. *Management fee subject to CPI adjustment annually.*
9. *The loan repayments made by the Management Committee to Council on Capital items for the facility be not treated as lowering the net profit in regard to the incentive fee.*

The overall increase in the net annual cost to Council of implementing this motion would be \$15,000/annum for maintenance and between \$5,000 and \$10,000/annum depending on the treatment of the loan and the method of calculating the net profit, resulting in a potential increased cost to Council of between \$20,000 and \$25,000/annum.

The primary concern in relation to this proposal is the need to ensure the principles of Council's Statement of Business Ethics – 'best value' and 'fairness and impartiality' – are upheld given that the value of Council's contribution has been increased.

As an alternative to point 9 and to maintain clarity about the actual costs of the facility it is suggested that rather than treating the loan repayments (currently \$27,950 per annum) differently, the management fee could be increased by an equivalent amount.

It should also be noted that Council's Section 355 Management Committee suggests that an increase in the maintenance figure could reasonably be limited to \$40,000 per annum. This amount for building and equipment maintenance is necessary to ensure the venue can effectively operate in an increasingly competitive market place and at the same time increase usage and visitation across a range of groups.

This request is not about an increase in the management fee or the incentive paid although there may result in a slight increase in the 25% incentive payment depending on the final outcome of operations each year.

OPTION 4: Direct management by Council.

As noted above, direct Council control does not present a feasible option due to the associated costs of management under the conditions of the Local Government Act 1993 and the Local Government (State) Award 2010.

Conclusion

The challenges Council is facing with regards to achieving objectives in the Coffs Harbour 2030 Plan applicable to the operations of Sportz Central are similar to those we face across the board. Operational costs are increasing faster than income, our infrastructure is ageing and will face greater pressures from a growing population in the future.

Whilst Sportz Central has operated successfully for many years, these growing challenges and the fact that that no tenders were received in response to the advertisement in April 2012 suggests the need to look at alternatives.

Option 2 (seeking fresh tenders whilst also inviting alternatives) will enable Council to make an informed decision about how to achieve our objectives with full knowledge of what the options are. In choosing this option, Council is not committing to a change at the facility, but rather demonstrating to the community that the principles of the Statement of Business Ethics – best value for money, fairness and impartiality – are being embraced.

Implementation Date / Priority:

Should Council approve the recommendation, the tender will be advertised as soon as the documentation is finalised being mindful that the current extension of the Management Agreement expires on 30 June 2013.

Recommendation:

That Council

- 1. Seek fresh tenders for the management of Sportz Central based on the previously advertised conditions, but also invite alternative proposals.**
- 2. Consider increasing the contribution to Sportz Central for internal maintenance from \$30,000 to \$40,000 when adopting the 2013/14 Delivery Program, Operational Plan and associated budgets.**

NEW TENDER FOR SPORTZ CENTRAL

Purpose:

To seek support to invite fresh tenders based on different specified details which include the existing and alternative management models.

Description of Item:

Council advertised for tenders in April 2012 for the management of the Sportz Central multipurpose and recreational facility as a Management Agreement for the day to day operations facilitated through a Section 355 Management Committee.

Requests for tender included the following terms:

- Three year lease term.
- \$137,000 per annum plus GST (funded from the operating revenue of the facility).
- Incentive fee 25% of net profit
 - 2010/2011 \$3236.24
 - 2011/2012 \$4584.32
- Council responsible for \$30,000 per annum for internal maintenance (provided to the Management Committee).
- External maintenance responsibility of Council.
- Council responsible for \$25,000 per annum toward operating expense for cleaning (provided to the Management Committee)
- Total gross profit from kiosk before wages and ancillary expenses -
 - 2010/2011 \$63,000
 - 2011/2012 \$69,000
- Management fee subject to CPI adjustment annually

No tenders were received in the month long advertised period. Consequently this has resulted in an internal review process being undertaken.

Currently, the existing management company is in the second six month extension at the advertised management fee, with Council delegating the care, control and management overseen by the Section 355 Committee.

There are a number of options which could be considered in the future management of the facility prior to inviting a new tender. For the purpose of Council's consideration four have been examined in detail. These are:

Option 1 – invite tenders based on the same Management Agreement and tender documentation.

Option 2 – invite tenders based on options for alternative operating models.

Option 3 – Directly negotiate with any person with a view to entering into a contract (must state the Council's reason for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations.

Option 4 – Direct management by Council.

These options are explored in detail under the Issues section of this report.

Sportz Central is one of Coffs Harbour's most highly used sporting and cultural facilities and is located at 74A Bray Street, Coffs Harbour. Sportz Central has a licensed capacity for 1,000 people and comprises three championship basketball courts which can be modified to provide five junior courts. The Stadium is home to groups such as basketball, volleyball, netball, wheel chair basketball, multi sports, primary and high school sports, disability sports, home school sports days, lifeball for seniors, roller blading and table tennis. Over 5,000 people utilise Sportz Central each week. Regional, State and National sporting competitions and cultural events are held at Sportz Central including Basketball State League, NBL pre-season games, Oz Opera, University Games, Basketball Northern Junior League, State quad rugby, national handball, national martial arts, regional Primary School Sports Association competitions, regional catholic school competitions, childrens' drama performances and dance performances.

The complex has a grandstand spectator seating area for 386 people, stadium management office, commercial kitchen/kiosk, sports administration office, meeting and function rooms, sports supervisor office, first aid room, referees room, equipment storage facilities, change rooms and portable stage/spectator seating equipment.

Sportz Central was built in 1987, expanded in 1997 and further extended and renovated throughout 2008 to 2010.

Sustainability Assessment:

- **Environmental:**

No environmental issues are considered of relevant.

- **Social**

No social issues are considered relevant.

- **Civic Leadership**

The proposal supports the themes of the Coffs Harbour 2030 Strategic Plan specifically 'Places for Living' and 'Looking after our Community' by addressing the specific priorities; 'Our built environment connects us and supports us in living sustainably' and 'Our community is healthy, informed and engaged'.

- **Economic**

Broader Economic Implications

The economic implications in broadening the management models invited under the tender process may enhance the potential opportunities for service delivery and cost efficiency following receipt of no tenders.

Delivery Program/Operational Plan Implications

There are no implications under the tender variation suggested.

Consultation:

Ongoing information updates and progress reporting on the review process has been provided to the current Section 355 Management Committee over the entire timeline. This

has included addressing the Committee at the monthly meeting on two occasions and meeting with the Mayor and Committee representatives' on one occasion.

The existing contractor has provided requested information.

The Committee has also provided a response to this report including any concerns which has been included in its entirety as an attachment to this report. This response is followed by comments from staff.

Specialist industry service providers and local Councils have been canvassed to assist in the provision and analysis of relevant information for the purpose of the review.

Related Policy and / or Precedents:

This tender has historically been offered as a Management Agreement. Due to no tenders being received alternative management models in addition to the existing model are being considered.

Statutory Requirements:

Part 7 Tendering of the Local Government (General) Regulations 2005, Clause 178(3) states:

- (3)A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
- (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.

Subclauses a), c),d),e),f) are not considered appropriate, with subclause b) the preferred tender option.

Issues:

The key challenges for the future of the facility are:

- The current shortfall in court space and predicted urgency of this with projected population growth.
- Pressures to maintain a competitive regional facility with the planned proposal and expansion of other centres.
- Increasing requirement for financial contribution from Council.
- Potential increases in asset management costs associated with a 25 year old structure.

Subject to Clause 178(3b) of the Local Government Tendering Regulations, the following management options available include:

Option 1 – Invite tenders based on the same Management Agreement and tender documentation.

Option 2 – Invite tenders based on options for alternative operating models.

Option 3 – Directly negotiate with any person with a view to entering into a contract (must state the Council's reason for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations)

Option 4 – Direct management by Council.

Key areas identified under each management option examined include:

OPTION 1: Invite tenders as per previous agreement and document.

Cost to Council: The management fee is supported from the operating revenue, with Council subsidising the internal maintenance and cleaning up to the value of \$55,000 per annum.

In addition Council will fund external structural maintenance.

Council's level of ongoing facilitative engagement through a Section 355 Management Committee requires a level of regular support in terms of day to day operations including a major role in seeking grant funding for improvements and leveraging low interest loans for capital expenditure, in addition to representation at monthly Committee meetings.

Asset Management: The Management Contractor has full responsibility for internal maintenance in consultation with the Section 355 Management Committee. Council support has been available to assist with delivery of improvements unable to be totally supported by the facility's operating revenue.

Council is responsible for external maintenance.

Community Input: The Management Agreement recognises community input through the structuring of a Section 355 Management Committee to consult in the care and management of the facility. The Committee profile of community members representing user groups also recognises the legacy of community input and commitment in delivering a facility which promotes fair, equitable and diverse access.

Marketing: Is the responsibility of the Management Contractor in consultation with the Section 355 Management Committee with outcomes measured as part of the annual performance review by Council.

Court Hire Fees and Charges: Court hire fees and charges are at the final discretion of Council in consultation with the Management Committee.

Operational Expertise: This is addressed in the advertised tender.

OPTION 2: Invite tenders which includes potential for alternative models.

Cost to Council: Council would be responsible for the costs of external maintenance in part or in full.

Asset Management: An independent contractor would have full responsibility for internal maintenance and cleaning.

External maintenance would be the responsibility of Council.

Community Input: An appointed advisory committee or equivalent body comprising community representatives would advocate for user groups and contribute to the delivery of diverse, fair and equitable services whilst continuing to value the past input and commitment of community stakeholders.

Marketing: All marketing would be the primary responsibility of the contractor, and would be based on an effective Marketing Strategy within the Business Plan, with regulatory reporting of outcomes to Council as per the model specifications.

Court Hire Fees and Charges: Fees and charges are at the discretion of the contractor.

Operational Expertise: This is addressed in the advertised tender.

OPTION 3: Negotiate directly.

This was not considered as it limits canvassing the broad cross section of the market, and is therefore not based on a competitive approach and potentially reduces the opportunity to secure a premium operation of the facility.

OPTION 4: Direct management by Council.

Direct Council Control has been considered however does not present a feasible option due to the associated costs of management under the conditions of the Local Government Act 1993 and the Local Government (State) Award 2010.

Implementation Date / Priority:

Should Council approve the recommendation, the tender will be advertised as soon as the documentation is prepared being mindful that the current extension of the Management Agreement expires on 30 June 2013

Recommendation:

That in light of no tenders received for Tender No RFT-501-TO, Council agrees to invite in accordance with Clause 178 3(b) of the Local Government Tendering Regulations fresh tenders based on different specified details which include the existing and alternative management models.

ARTSIDE THE BOX PROJECT

Purpose:

To report to Council regarding NOM 12/10 "Artside the Box" Project.

Description of Item:

At the 22 November 2012 meeting of Council a Notice of Motion was considered regarding the "Artside the Box" project. The resolution of the meeting was:

"That a report be brought back to Council that addresses issues including the number of sites, requirements for public safety/workplace health and safety, insurances, administration of the project funding for materials / services and the need for ongoing maintenance of the artistic works, including financial issues."

This report is in response to this resolution and covers the following:

- Number of sites
- Requirements for public safety/workplace health and safety
- Insurance implications
- Project administration
- Materials funding
- Required services to execute the project
- Ongoing maintenance issues
- Financial implications

The report is focused on traffic signal boxes (see attached) which are property of the Roads and Maritime Services (RMS). Further follow up will be required with Essential Energy should Council resolve to undertake this project and wish to also include the power boxes owned by that company.

The traffic signal boxes are not owned by Council and they are not situated on Council owned or controlled land. An approach was therefore made to representatives of RMS regarding this concept and the following is the response received.

RMS has no objection in principle to the proposed project subject to the following conditions:

- *RMS would request council to be responsible for the management of the program/project.*
- *Council to provide a complete proposal to RMS for comments.*
- *Identification stickers traffic signals boxes can be removed from front and back but must remain on side panels.*
- *The artwork must not be offensive and as such must not contain nudity, depictions of violence etc and must not contain advertising.*
- *The artwork be protected with an anti graffiti spray coat or*
- *The artist is available to paint out the graffiti as required or*
- *Council will remove the graffiti which may result in the removal of all artwork on that controller.*

- *A suitable risk profile and management plan should be developed to ensure all possible risk are addressed before going on site. This may require a Traffic Management Plan (TMP) addressing pedestrian and vehicular conflicts.*
- *The TMP should be referred to the Grafton Regional Office and our Inspector (Traffic Systems) for information.*
- *Letter of agreement between artist and Coffs Harbour City Council agreeing to the following clauses:*
 - *Agreed time line for the delivery of the artwork*
 - *An understanding that the artwork may require a touch up should the work be vandalized.*
 - *Coffs Harbour City Council/RMS retains the right to exhibit or reproduce for non profit purposes.*
- *Prior to submitting your proposal for the artwork it would be prudent for the proponent and the Council Officer to meet our Inspector (Traffic Systems) on site to discuss what work is required for each traffic signal controller.*

To address the RMS requirements Council needs to resolve to undertake, fund and manage the project given that this is an unplanned and unbudgeted project.

Should Council resolve to proceed with the project the following will be established:

1. Framework for the project
2. The management and facilitation of project volunteers
3. Effective risk management procedures.

It is proposed that the project be managed by a Council staff member, using the expertise of one paid artist and number of local volunteer artists. This proposal is outlined in more detail in the body of this report.

Sustainability Assessment:

- **Environment**

There are no environmental implications associated with this report.

- **Social**

Public Art projects facilitate the merging of endeavors of artists, scholars and community members, initiating public forums that address issues of urban development, economic sustainability and social space. It gives the community a sense of place while developing creative industries, and a sense of connection to the past, present and future.

The creation of Public Art has also been proven to help, in some cases, in the reduction of graffiti within the area of the art piece and can be a generator of tourism.

- **Civic Leadership**

This proposal supports the 2030 theme "Looking After Our Community" and is consistent with the following strategies:

LC4.1 Support local artistic and cultural expression

LC4.2 Support opportunities for artistic and cultural growth and enjoyment and

LC4.3 Support activities and events that help us celebrate our diversity

- **Economic**

Broader Economic Implications

There are no appreciable broader economic implications, however this project will contribute positively to tourism.

Delivery Program/Operational Plan Implications

This project is additional to strategies contained in Council's Delivery Program and Operational Plan. Because it will be necessary, due to requirements from RMS, for staff to manage the process it will reduce resource availability for existing programs.

It is estimated that the value of this staff time will be in the order of \$2,500 which is funded in current budgets.

The resource requirements from Council for this project are influenced by the number and location of the sites, requirements for public safety/workplace health and safety, insurances, administration of the project, funding for materials/services and the need for ongoing maintenance of the artistic works.

Council currently has no budget allocation to cover this project.

Following is an indicative only outline of what resources, equipment and staff requirements would be needed for the project. The costs involved in the painting of the boxes is based on a one day operation and best estimates of current costs.

Approximate costs to complete four sites (assuming each site takes 1 day to paint)

• Materials and Protective clothing and equipment	\$ 400.00
• Witches hats, safety fencing	\$ 320.00
• Traffic control	\$ 1,400.00
• Advertising	\$ 1,800.00
• Professional Artist fees	\$ 2,000.00
• Workshop costs	\$ 500.00
TOTAL	\$ 6,420.00

It is estimated that an additional amount of \$500 be allocated for ongoing maintenance This is difficult to predict until the works are completed and evaluated.

For Council to undertake this project, it is therefore estimated that an amount of \$6,920 be allocated.

Council has established the need to adopt a balanced budget for the 2013/14 financial year. As a result, the above \$7,000, should the project proceed, will need to be funded from an alternative source within the draft budget.

Council has for a number of years now had a community cultural grants program. This program is subject to application by community groups and acts as seed funding for new initiatives. It has not been Council's practice in the past to allocate funding outside this application process however this is the most appropriate funding source for this project.

Currently in the draft 2013/14 program budget, Council has allocated \$32,900 to Visual and Performing Arts which is the funding source for the community cultural grants program. Should funding be taken from here to undertake this project, this will reduce the amount of funding available to the grants program.

Consultation:

This project has not been the subject of broad public consultation.

Related Policy and / or Precedents:

Council has recently adopted a Cultural Plan covering the period 2013-2016. Whilst the plan reinforces Council's role in encouraging activities such as public art, this particular project was not raised during community consultation sessions nor during public exhibition of the Plan. Priority projects for Council to undertake to further Cultural Outcomes in the City were identified totaling \$38,400, however projects totalling \$18,400 are currently unfunded.

Whilst Council has recently adopted a Public Art Policy, it is not applicable to this project given that the work is not proposed to be on Council land or infrastructure.

On a strategic level, an option which could be explored is the development of a citywide public art master plan. This ideally would be undertaken when Council has an appropriate level of funds which it could use to implement such a plan. In the meantime individual projects should be judged on their contextual merits with major projects incorporating public art within the initial design phase.

Statutory Requirements:

No statutory requirements are considered relevant.

Issues:

As mentioned earlier in this report the following will be used as the elements to undertake the project:

1. Framework for the project

It is proposed to engage a local professional artist to work with Council staff in undertaking this project.

The sites investigated for the purpose of formulating this report were the intersection of Coff and Grafton Streets; Harbour Drive and Pacific Highway; Park Avenue and Pacific Highway and Albany Street and Pacific Highway. Each of these sites has high visibility with similar requirements from a health and safety perspective. It is proposed that in the first instance these four sites be undertaken so actual costs for the project can be developed.

As outlined earlier specific sites have been considered from a cost perspective, however final decisions regarding the sites would need to be determined in consultation with RMS and those involved in the project.

It is proposed to recruit a suitably experienced local professional artist to work with Council staff to develop an expression of interest process for volunteer artists who wish to be involved in this project. Through an open and transparent advertised process the volunteers will be chosen to work with the artist, Council staff and RMS representatives to finalise and approve the design for each location.

The cost of materials for the project is outlined in the *Delivery Program/Operational Plan Implications* section of this report.

The project has the potential to reduce some graffiti in high visibility positions which are noticeable to locals, visitors and the users of the Pacific Highway.

The project could also have a positive tourist outcome and beautify the city if the art pieces were done to the highest of standards by qualified public artists or volunteers under the workshop supervision of such artists.

Should the decision be made to undertake this project it is suggested that it be on a trial basis of four sites outlined above.

2. The management and facilitation of project volunteers

Given the conditions outlined by RMS and the insurance implications of this project, the outcome of Council being responsible for the management of the project will have staff resource implications.

This will be in relation to co-ordination of the project and will include:

- Documentation of a detailed project proposal for RMS approval
- Recruitment of a professional artist who is able to facilitate workshops with volunteers
- Development and implementation of an EOI process
- Co-ordination of workshops
- Liaison with Council and RMS staff relevant to the project
- Ensuring RMS approval of the final designs

3. Effective risk management procedures.

Given the location of the signal boxes, it is necessary to ensure that standard requirements for traffic management are implemented. These have been considered in estimating the costs for the project.

The following insurance implications have been identified:

Council's public liability insurance fund Statewide Mutual provides an insured protection for Council. The definition of Council under the Statewide Mutual policy wording includes Council volunteers.

For the artists to be provided an insured public liability cover under the Statewide Mutual policy they must be volunteers acting within the scope of their duties for and on behalf of the Council. That is, they must work within the scope of works defined by Council, that they do not receive a remuneration of any kind, and they cannot advertise.

Additionally as Council volunteers the artists would have access to Council's Volunteers Personal Accident insurance cover. The cover is not a workers compensation insurance policy, so is limited in its benefits and the period of time benefits are paid to the injured person.

There is also an age exclusion of no insured cover for volunteers under 10 years and over 90 years.

Preliminary verbal advice on the proposed Artside the Box has been given to Council's insurers. They have indicated that the use of school age children on worksites adjacent to roads, particularly a highway or busy road is not considered responsible

management, and that an insured indemnity of Council or a school age volunteer in such circumstance may be prejudiced.

Should Council wish to proceed with the project, and once approval from the asset owners is confirmed and scope of works and traffic control and worksite risk management plans are complete, Statewide Mutual will require all documents in order to consider the insured position of Council in relation to this project.

The issue of the payment of the artist has not been included here as the insurance regarding a contractor providing a service to Council is covered by Council's policies and procedures for engaging contractors.

Implementation Date / Priority:

This will depend on the option chosen by Council and the availability of funding.

Recommendation:

1. That in accordance with RMS requirements, Council would need to be responsible for the management of the project.
2. That Council consider a budget allocation in the 2013/14 program budget for a maximum of \$7,000 to proceed with the "Artside the Box" project for a maximum of four sites to be allocated from Visual and Performing Arts vote.
3. That an evaluation of the project for the first four site be undertaken and that this along with the actual costs be reported to Council once those works are completed.

Attachment

Traffic Signal Box - intersection of Pacific Highway and Harbour Drive



DEVELOPER CONTRIBUTION PLANS - REVIEW

Purpose:

To present to Council the following draft amended Developer Contributions Plans:

1. Regional, District and Neighbourhood Facilities & Services 2013
2. Coffs Harbour Road Network 2013
3. Surf Rescue Facilities 2013
4. Hearnese Lake/Sandy Beach Release Area 2013
5. Korora Rural Residential Release Area 2013
6. Moonee Release Area 2013
7. North Coffs Release Area 2013
8. North Boambee Valley (East) Release Area 2013
9. North Bonville 2013
10. Park Beach Area 2013
11. South Coffs 2013
12. West Coffs Harbour 2013
13. West Woolgoolga 2013
14. Water Supply Development Servicing Plan 2013
15. Wastewater Development Servicing Plan 2013

The Draft Plans include additional schedules to assist in more accurately applying developer contributions to different types of development. This report recommends that the Plans be adopted.

Description of Item:

Council, at its meeting on 14 February resolved to place the Developer contributions plans and Development Servicing Plans listed above on exhibition for a period of 30 Days. The Plans were placed on public exhibition from 20 February 2013 till 22 March 2013 and no submissions were received.

The Draft exhibited Plans contain amendments to schedules utilized to assess the application of contributions to various types of development. Council's current Section 94 developer Contributions Plans apply contributions based on three main categories of development, those being a lot/large dwelling rate, a small dwelling rate and a rate for seniors' living developments that are under the State Environmental Planning Policy Seniors Living. These categories are based on statistical evidence of average occupancy rates applicable to different types of development.

The application of contributions with these limiting criteria can, at times prove difficult as some developments, such as caravan park sites and tourist facilities, can have occupancy rates that are not clearly identified within the existing S94 Plans.

The Section 64 Water and Waste Water Development Servicing Plans currently include more detailed schedules that provide a better basis for the application of development contributions. The schedules were prepared based on water and waste water usage patterns for the different types of development. These schedules have been reviewed and additional items included to assist in more accurately assessing contributions applicable to development applications.

Following Council's adoption of a Work in Kind Policy on 25 October 2012 all plans have also been amended to include the following clause:

"Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind."

The amendments to the plans will not effect the overall operation of the plans, but will add clarity to the rates at which contributions are applied as a condition of development consent.

Sustainability Assessment:

- **Environment**

There are no environmental issues associated with this report.

- **Social**

Council's Developer Contributions Plans are a mechanism for funding infrastructure and services that provides for the needs of additional population.

- **Civic Leadership**

It is appropriate that Council apply contribution rates on a transparent and equitable basis. The inclusion of additional categories for assessment of contributions for differing developments will promote the achievement of this objective.

- **Economic**

Broader Economic Implications

The inclusion of a more detailed assessment schedule will assist in applying contributions more equitably and will, in some instances, better reflect the economic impacts on council's contributions income streams of certain types of developments.

Delivery Program/Operational Plan Implications

There are no Delivery Program/Operational Plan implications associated with this report.

Consultation:

Extensive consultation and research has been undertaken in order to provide a schedule that best reflects the differing levels of occupancy and service usage. This consultation involved discussions with Councils Planning and City Services staff, members of the Developer Contributions Internal Working Group, discussions with other Councils, review of other council's plans, consultation through various publications such as Australian Bureau of Statistics data, NSW Office of Water's Determination of ET's guidelines, and other industry specific publications.

The Draft Plans have been on public exhibition from 20 February till 22 March 2013 and no submissions were received.

Related Policy and / or Precedents:

There are no related policies or precedents associated with this report.

Statutory Requirements:

Section 31 of the Environmental Planning and Assessment Regulation 2000 provides as follows:

- 1) After considering any submissions about the draft [contributions](#) plan that have been duly made, the council:
 - (a) may approve the plan in the form in which it was publicly exhibited, or
 - (b) may approve the plan with such alterations as the council thinks fit, or
 - (c) may decide not to proceed with the plan.
- (2) The council must give [public notice](#) of its decision in a local newspaper within 28 days after the decision is made.

Issues:

Section 94 of the Environmental Planning and Assessment Act provides that a contribution requiring the payment of a monetary contribution can only be imposed in accordance with a contributions plan. The limited categories included in Councils current adopted contributions plans has lead to difficulties in the application of appropriate and equitable contributions to differing types of development. By expanding the available assessment criteria much uncertainty will be removed and applicants for developments will have a clearer indication of the level of contributions that may be applied as a condition of consent.

Implementation Date / Priority:

Public notification of the adoption of the draft Plans will be undertaken immediately should Council adopt the recommendations of this report.

Recommendation:

That the following Draft Section 94 Developer Contributions Plans and Draft Section 64 Development Servicing Plans be adopted

1. **Regional, District and Neighbourhood Facilities & Services 2013**
2. **Coffs Harbour Road Network 2013**
3. **Surf Rescue Facilities 2013**
4. **Hearnes Lake/Sandy Beach Release Area 2013**
5. **Korora Rural Residential Release Area 2013**
6. **Moonee Release Area 2013**
7. **North Coffs Release Area 2013**
8. **North Boambee Valley (East) Release Area 2013**
9. **North Bonville 2013**
10. **Park Beach Area 2013**
11. **South Coffs 2013**
12. **West Coffs Harbour 2013**
13. **West Woolgoolga 2013**
14. **Water Supply Development Servicing Plan 2013**
15. **Wastewater Development Servicing Plan 2013.**

As reported to Council 24 April 2013



Attachment 1

COFFS HARBOUR REGIONAL, DISTRICT AND NEIGHBOURHOOD FACILITIES AND SERVICES

**Developer Contributions
Plan 2013**



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Date of Commencement of the Plan	1
Summary of Works Schedule.....	3
Summary of Contribution Rates.....	4

PART 2 - ACCOUNTING AND ADMINISTRATION

Name of the Plan	5
Purpose of the Plan	5
Area to which the Plan Applies	5
Relationship to other Plans and Policies.....	5
Formula for Determining Contributions.....	6
Timing of Payment of Contributions.....	6
Deferred or Periodic Payment	6
Works In Kind.....	7
Exemptions.....	7
Pooling of Funds.....	7
Review of Contribution Rates	7

PART 3 - STRATEGY PLANS

Relationship Between Expected Development and Demand for Additional Public Facilities	8
Future Population and Densities.....	9
Regional Open Space	9
District Open Space	11
Neighbourhood Open Space	17
Co-ordination & Administration.....	21

APPENDIX

A Indexing Factors for Proposed Works.....	22
B Standard Equivalent Tenement Figures.....	23

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contribution plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The Coffs Harbour Land Capacity Assessment 2004 predicts, and the Draft "Our Living City" Sustainable Settlement Strategy makes provision for, further residential expansion in the order of 32,488 people by the year 2030 from an estimated population of 67,920 in 2004.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- additional open space;
- additional community facilities and services; and
- additional beach protection works

SUMMARY OF WORKS SCHEDULE

A schedule of works, commencement, staging and expenditures is summarised at Table 1.

SUMMARY OF CONTRIBUTION RATES

Table 2 summarises the costs of the identified public facilities.

Table 3 summarises the contribution rates applying to the different public facilities to be provided in accordance with this contributions plan. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This plan came into operation on 23 February 2000.

AMENDMENTS

This Plan was amended on 16 October 2003 and subsequently on the 4th November 2004, on the 24th August 2005, on 26th March 2007, on 24th April 2008 and subsequently on XX/XX/XXXX

Table 1 - Schedule of Works, Commencement, Staging and Expenditures

Works Required	Estimated Capital Cost	Catchment	Benchmark / Estimated Staging
Regional Open Space	\$5,490,000.00	Local Government Area	Substantial works complete Future works as funds become available.
Northern District Open Space	\$3,555,000.00	As shown on Map 1	Development as demand dictates
Coffs Harbour District Open Space	\$1,475,000.00	As shown on Map 2	All land in Council's ownership Combine street facility commenced 2006
Southern District Open Space	\$2,130,000.00	As shown on Map 3	Substantial works 2006. Future works as funds become available.
Arararra/Mullaway N'hood Open Space	\$10,000.00	As shown on Map 4	Works as funds become available
Woolgoolga N'hood Open Space	\$90,000.00	As show on Map 5	Works as funds become available
Korora N'hood Open Space	\$60,000.00	As shown on Map 6	Works as funds become available
Section 94 Co-ordination and Administration	\$692,008.00	Local Government Area	Five Year Program

Table 2 – Summary of Costs of public Facilities and Services

Public Facility	Total Cost	Grant Funds or other Income	Contributions Collected or Levied as at 30-6-2006*	Net Cost to be Levied
	\$	\$	\$	\$
Regional Open Space	5,490,000.00	0.00	580,360.00	4,909,640.00
Northern District Open Space	3,555,000.00	00.00	607,325.33	2,947,674.67
Coffs Harbour District Open Space	1,475,000.00	0.00	934,892.72	540,107.28
Southern District Open Space	2,130,000.00	0.00	752,204.88	1,377,795.12
Arrawara/Mullaway N'hood Open Space	10,000.00	0.00	8,945.77	1,054.23
Woolgoolga N/hood Open Space	90,000.00	0.00	26,738.28	63,261.72
Korora N'hood Open Space	60,000.00	0.00	22,077.00	37,923.00
Developer Contributions Co-ordination and Administration	692,008.00	150,000.00	0.00	542,008.00

* Includes developments approved up till 30th June 2006

Table 3 – Summary of Contribution Rates

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot/ Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Regional Open Space	4,909,640.00	304.95	853.86	548.91	457.42
Northern District Open Space	2,947,674.67	999.55	2,798.74	1,799.32	1,499.32
Coffs Harbour District Open Space	540,107.28	233.71	654.39	420.68	350.56
Southern District Open Space	1,377,795.12	740.75	2,074.10	1,333.35	1111.13
Arararra/Mullaway N'hood Open Space	1,054.23	23.43	65.60	42.17	35.14
Woolgoolga N'hood Open Space	63,291.72	168.25	471.10	302.85	252.38
Korora N'hood Open Space	37,923.00	135.44	379.23	243.79	203.16
S94 Co-ordination & Administration	\$542,008	110.61	309.71	199.10	165.92

Notes:

1. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
2. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
3. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).
4. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
5. Additional contribution rates for various other types of development are included in this Plan at appendix "B"

PART 2 - ACCOUNTING AND ADMINISTRATION

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the Coffs Harbour Regional, District and Neighbourhood Facilities And Services Developer Contributions Plan 2013.

(iii) ensure that the existing community is not burdened by the provision of open space, community facilities and beach protection works required as a result of future development;

(iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Coffs Harbour local government area (LGA).

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the EP & A Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public amenities and services that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

AREA TO WHICH THE PLAN APPLIES

The regional facilities included in this plan apply to the whole of the Coffs Harbour LGA. The district facilities included in this plan apply to the catchments shown in Maps 1 to 3. The neighbourhood facilities included in this plan apply to the catchments shown in Maps 4 to 6.

Other purposes of the plan are to:

- (i) ensure that an adequate level of open space, community facilities and beach protection works are provided throughout the local government area (LGA) as development occurs;
- (ii) enable Council to recoup funds which it has spent in the provision of open space, and community facilities in anticipation of likely future development;

RELATIONSHIP TO OTHER PLANS AND POLICIES

This contributions plan supersedes the previous developer contributions plans for community facilities, and open space, which came into effect on 24th August 2005.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

This plan should be referred to in conjunction with other contributions plans adopted by Council and applying within the Coffs Harbour LGA.

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the EPA Act is as set out below:

Contribution per person

$$= \frac{(C - O - L)}{P}$$

Where:

C = total cost of works to provide the desired facility or service including:

- land acquisition cost to Council
- survey, investigation, design, and construction administration
- construction costs including embellishment of land

O = funds from other sources

L = contributions levied or received up to and including 30-6-2006

P = anticipated additional population

Contributions either paid or levied up to and including 30-6-2006 have been included for the purposes of determining the current contribution amount.

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan;
- development consents involving building work – prior to the release of the building approval;
- development consents where no building approval is required – at the time of issue of the notification of consent, or prior to the

commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENT

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- the deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution;
- deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically

exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

REVIEW OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the open space and community facilities.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

PART 3 - STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Draft Settlement Strategy 2006 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Coffs Harbour Land Capacity Assessment 2004 establishes the level of existing development and estimates a population of 100,408 by the year 2030. The estimates are based on 1994 Department of Urban Affairs and Planning medium population projections, occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour Local Environmental Plan.

The Coffs Harbour City Council Social and Community Strategic Plan 2006-2010 specifies the community facilities required by future development.

The Coffs Harbour City Council Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

Causal Nexus

The anticipated increase in population in the Coffs Harbour LGA will place greater demands on existing community and open space facilities and beach protection works, and require the provision of new community and open space facilities and beach protection works which are not currently available in Coffs Harbour.

Physical Nexus

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified community facilities and open space facilities and the manner in which such need may be satisfied.

Table 1 identifies the catchment for each community and open space facility to be provided in accordance with the provisions of this plan.

Temporal Nexus

The community and open space facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 1 lists the benchmark or estimated staging for the provision of public facilities to be provided in accordance with this plan.

Attachment 1

FUTURE POPULATION & DENSITIES

According to ABS Census figures the population of Coffs Harbour was 58,337 in 1996 and 62,492 in 2000. The Coffs Harbour Land Capacity Assessment 2004 estimates that the 2006 population plus development applications approved as 73,215 people, and that approximately 100,408 people will be living in Coffs Harbour in 2030.

Average occupancy rates in Coffs Harbour in 2001 were as follows:-

OCCUPANCY RATES

DWELLING TYPE	OCCUPANCY RATE
Large Dwelling	2.8
Small dwelling	1.8
Seniors Living SEPP dwelling (self care)	1.5

Source: ABS census figures

- A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
- The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

The Coffs Harbour City Council Open Space Strategy 1998, which covers the entire LGA, provides Council with a framework for the acquisition, development and management of public open space within the City.

Regional open space facilities are being provided for the benefit of the entire Coffs Harbour population. Contributions will only be sought, therefore, for that proportion of the cost of those facilities attributable to new development. Council will cover the difference between the total cost and the cost

component created by the development from other capital funding sources.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

REGIONAL OPEN SPACE

The Coffs Harbour City Council Open Space Strategy 1998 identifies the Coffs Coast Sport & Leisure Park as a regional recreational facility designed to cater for the needs of the entire LGA population. The Coffs Coast Sport & Leisure Park Plan of Management 2001 provides details of the type of facility to be provided, funding and timing of provisions.

Existing Facilities

Existing facilities at the Coffs Coast Sport & Leisure Park include rugby league fields and amenities, hockey/cricket fields, soccer fields, Kart track, Motorcross track and road bike track and associated amenities. The Coffs Harbour International Stadium, also situated within the complex, was funded from an alternative source. The Hulberts road Velodrome facility is also regarded as a regional facility. All contributions towards the complex received to date have been expended.

Proposed facilities

In addition to the existing facilities the following facilities are proposed:

- 1 stadium warm up field
- 3 soccer fields
- 2 turf cricket wickets
- 4 softball diamonds
- 1 baseball diamond
- International Stadium upgrades
- Car Parking, landscaping and associated infrastructure

The total cost of these proposed works is estimated at \$5,490,000.00. The facility is to be constructed over a 15 year period. As the Coffs Coast Sport & Leisure Park is a regional facility, residential, rural residential and rural development will be required to pay a contribution towards its construction. The facility is designed to cater for the LGA population in 2020 which is expected to be an additional population of 16,100 people.

Calculation of Contribution Rate

In accordance with the standards provided for in Council's Open Space Strategy, all future works will be constructed to meet the needs of the future population. Accordingly the full cost of future works is to be collected from future development.

Contribution

Total cost of works C = \$5,490,000.00

Funds levied or collected L = \$580,360

Total future population P = 16,100

Contribution per person

$$= \frac{C - L}{P}$$

$$= \frac{\$5,490,000 - \$580,360}{16,100}$$

$$= \$304.95 \text{ per person}$$

DISTRICT OPEN SPACE

A network of formal district sporting facilities is required to cater for the recreational needs of both the new and existing population. It is intended that the facilities be located to ensure they are

within 30 minutes drive from users. The district network is designed to cater for a catchment population of around 30,000 to 35,000 people.

NORTHERN DISTRICT

The Northern District, as defined in Council's Open Space Strategy 1998, extends from the LGA boundary in the north to Emerald Beach in the south and west to the coastal range. The Coffs Harbour Land Capacity Assessment 2004 estimates the existing population plus approved developments as 12,902 people. The catchment population is ultimately expected to increase to 18,566 by the year 2030. However this would require some land to be rezoned. The catchment is shown in Map 1.

Existing Facilities

Active recreation facilities exist at Centennial Reserve and High Street in Woolgoolga and at the Woolgoolga Sportsground. Additional facilities will be required to cater to the needs of the new population.

Proposed Facilities

Land has been purchased west of the Pacific Highway at Woolgoolga to the north of Woolgoolga Dam. It is proposed to develop four district sporting ovals on this land as part of the district network. The Hearnese Lake/Sandy Beach Development Control Plan identifies land off Graham Drive at Sandy Beach for the provision of district sporting grounds and associated facilities.

These facilities have been included in this plan.

Existing Facilities

Active recreation facilities exist at Centennial Reserve and High Street in Woolgoolga and at the Woolgoolga Sportsground. Additional facilities will be required to cater to the needs of the new population.

Proposed Facilities

Land has been purchased west of the Pacific Highway at Woolgoolga to the north of Woolgoolga Dam. It is proposed to develop four district sporting ovals on this land as part of the district network. The Hearnes Lake/Sandy Beach Development Control Plan identifies land off Graham Drive at Sandy Beach for the provision of district sporting grounds and associated facilities. These facilities have been included in this plan.

Calculation of Contribution Rate

Cost of Works

Woolgoolga facility \$1,540,000.00
 Sandy Beach facility \$2,015,000.00

Total Cost of works C = \$3,555,000.00

Contributions levied
 Or received to date L = \$607,325.33

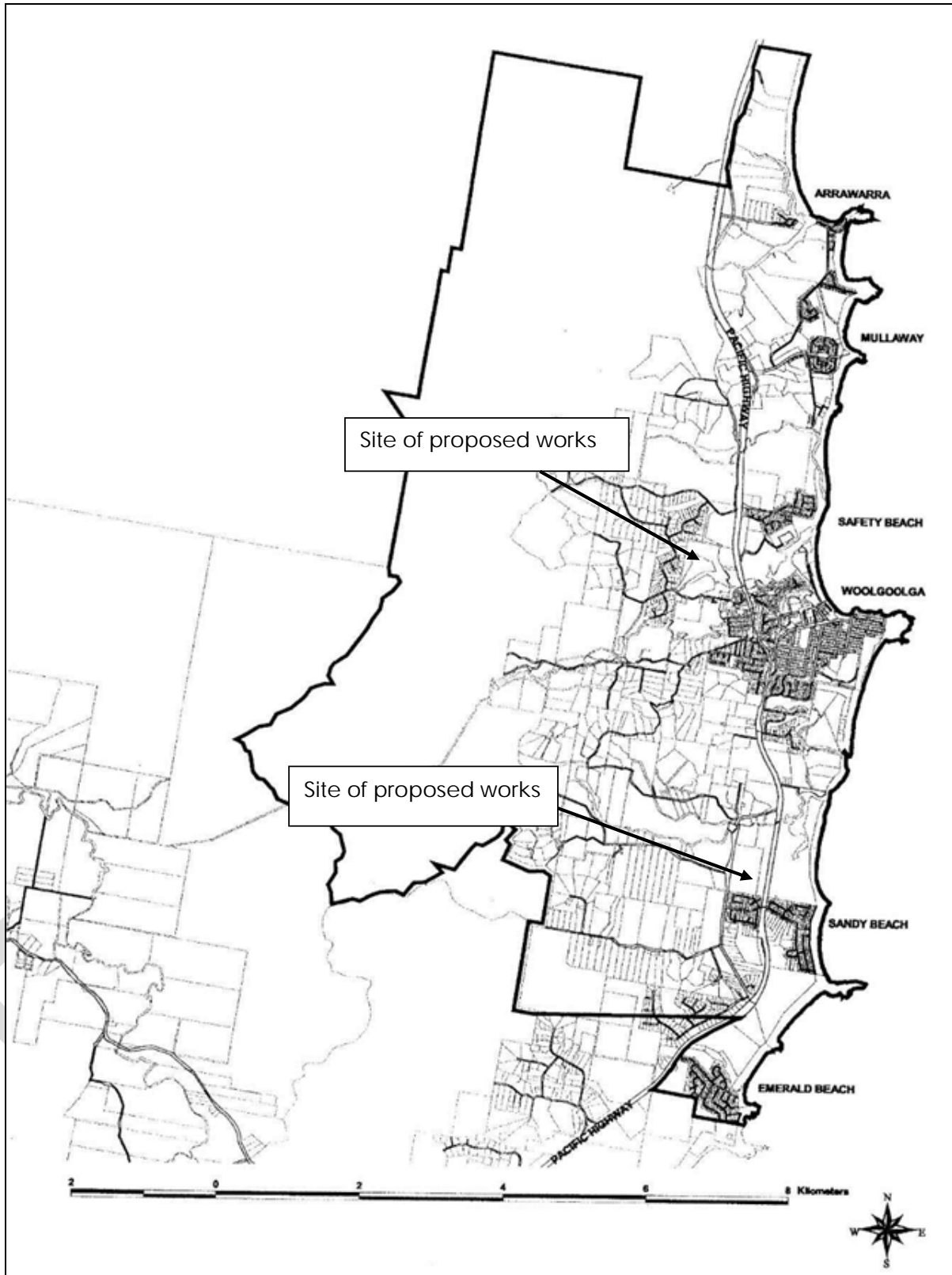
Future population P = 2,949

Contribution per person

$$= \frac{C - L}{P}$$

$$= \frac{3,555,000 - 607,325.33}{2,949}$$

Contribution per person = \$999.55



**MAP 1
NORTHERN DISTRICT**

COFFS HARBOUR DISTRICT

The Coffs Harbour District extends from Sapphire in the north, westward to Red Hill and to Boambee Creek in the south. North Boambee Valley is not included in this plan as it is covered by the North Boambee Valley Stage 1 Release Area Developer Contributions Plan 1999. Korora Rural residential area is also excluded as separate facilities are included in the Korora Rural Residential Area Developer Contributions Plan.

Council's Land Capacity Assessment 2004 estimates the current population within the catchment as 30,658. It also predicts an additional 2,311 people can be accommodated on current zoned land.

The catchment is shown in Map 2.

Existing Facilities

There are district facilities in McLean Street, Bray Street, York Street, Brelsford Park, Orlando Street, Murray Drive, Coff Street, Plantain Ave Korora, and Polwarth Drive, West Coffs. These facilities serve the existing population.

The costs of these facilities have been paid for by previous contributions or funds from other sources.

Proposed Facilities

Land has been acquired at Combine Street, and Bakers Road, West Coffs for future active and passive open space facilities.

Council intends to construct two ovals plus amenities at Combine Street, and passive recreational facilities and amenities at Bakers road.

Cost of Works

Bakers Road	
Passive recreation facilities including recreational amenities, picnic facilities and associated infrastructure	\$495,000
Combine Street	
2 Ovals plus amenities and associated infrastructure	\$980,000
Total Cost of facilities	\$1,475,000

Calculation of Contribution Rate

Cost of Works	C =	\$1,475,000
Received or levied to date	L =	\$934,892.72
Future Population	P =	2,311
Contribution per person	=	$\frac{1,475,000 - 934,892.72}{2,311}$
	=	\$233.71 per person



**MAP 2
COFFS HARBOUR DISTRICT**

SOUTHERN DISTRICT

The Southern District extends from Boambee Creek in the north to the LGA boundary in the south and west. Council's Land Capacity Assessment 2004 estimates the current population within the catchment as 19,265. It also predicts an additional 1,860 people can be accommodated on current zoned land.

The catchment is shown in Map 3.

Existing Facilities

There are existing facilities at Richardson Park, Ayrshire Park, Sawtell Oval, Hulberts Road, and Toormina Oval.

Proposed Facilities

Further works are proposed at the Hulberts Road facility to cater to the needs of the future population. These works include 1 soccer field, 1 Aussie Rules/cricket oval, 1 baseball diamond, 10 netball courts and associated amenities and parking facilities.

Cost of Works

Construction costs \$2,130,000.00

Calculation of Contribution Rate

Cost of Works C = \$2,130,000.00

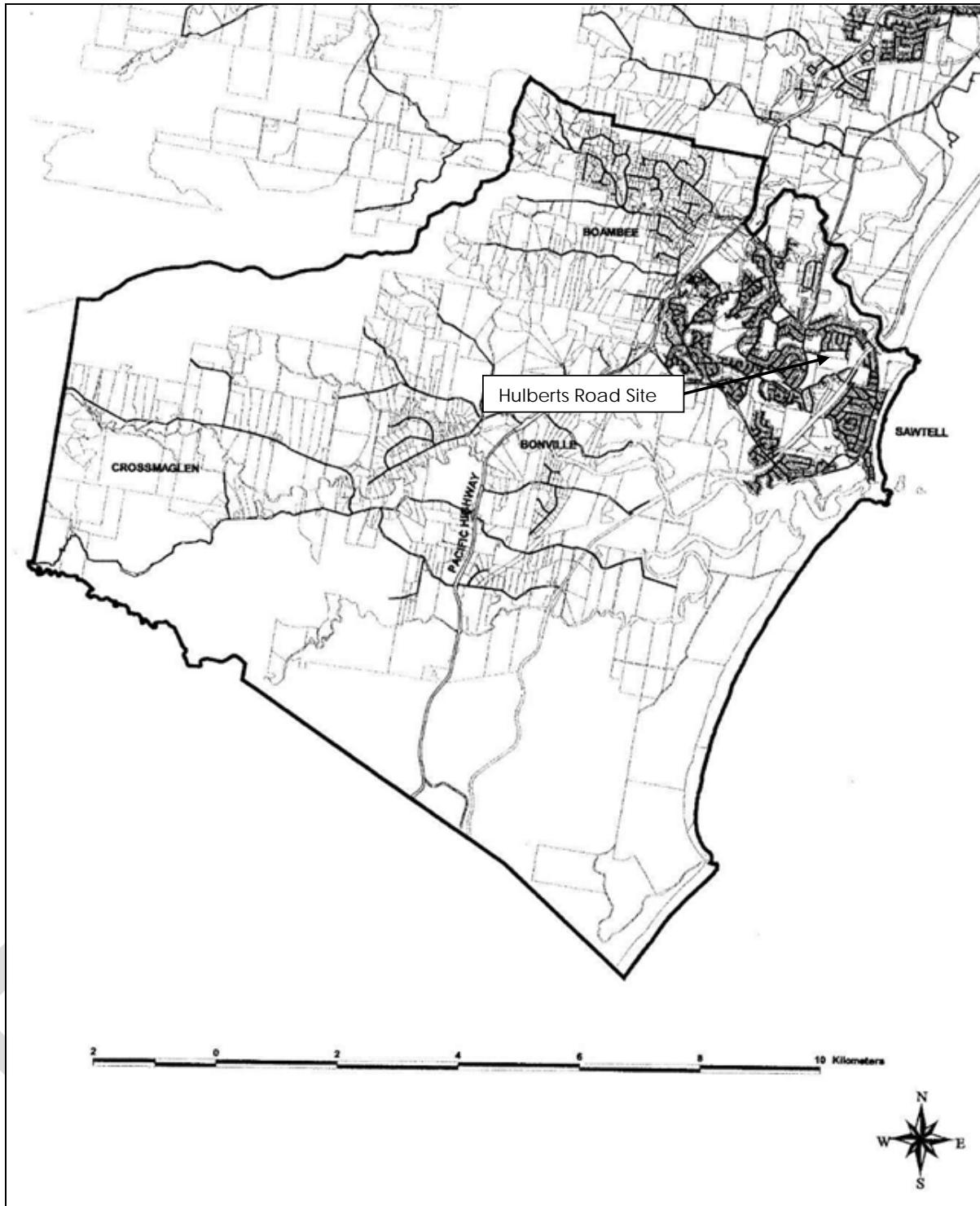
Received or levied to date L = \$752,204.88

Future Population P = 1,860

Contribution per person

$$= \frac{2,130,000.00 - 752,204.88}{1,860}$$

$$= \$740.75 \text{ per person}$$



MAP 3
SOUTHERN DISTRICT

NEIGHBOURHOOD OPEN SPACE

Neighbourhood open space land is used primarily for localised recreational purposes and comprises neighbourhood parks, children’s playground areas, passive reserves and drainage reserves. Local active open space generally serves young children and should therefore be provided within a reasonable walking distance, usually taken as 500 metres.

Contribution per person

$$= \frac{C - L}{P}$$

$$= \frac{90,000 - 26,738.28}{376}$$

$$= \$168.25 \text{ per person}$$

Arrawarra / Mullaway (Map 4)

Works

Upgrade Arrawarra/
Mullaway and
Ocean View Beach reserves

Total Cost of Works \$10,000.00

Future population P = 45

Amount levied or
paid to 30-6-2006 L = \$8,945.77

Contribution per person

$$= \frac{C - L}{P}$$

$$= \frac{10,000 - 8,945.77}{45}$$

$$= \$23.43 \text{ per person}$$

Korora (Map 6)

Works

Recreational amenities
including picnic shelters
and associated facilities \$ 60,000.00

Total cost of works C = \$60,000.00

Future population P = 280

Amount levied or
collected to 30.06.06 L = \$22,077

Contribution per person

$$= \frac{C - L}{P}$$

$$= \frac{60,000.00 - 22,077}{280}$$

$$= \$135.44 \text{ per person}$$

Woolgoolga (Map 5)

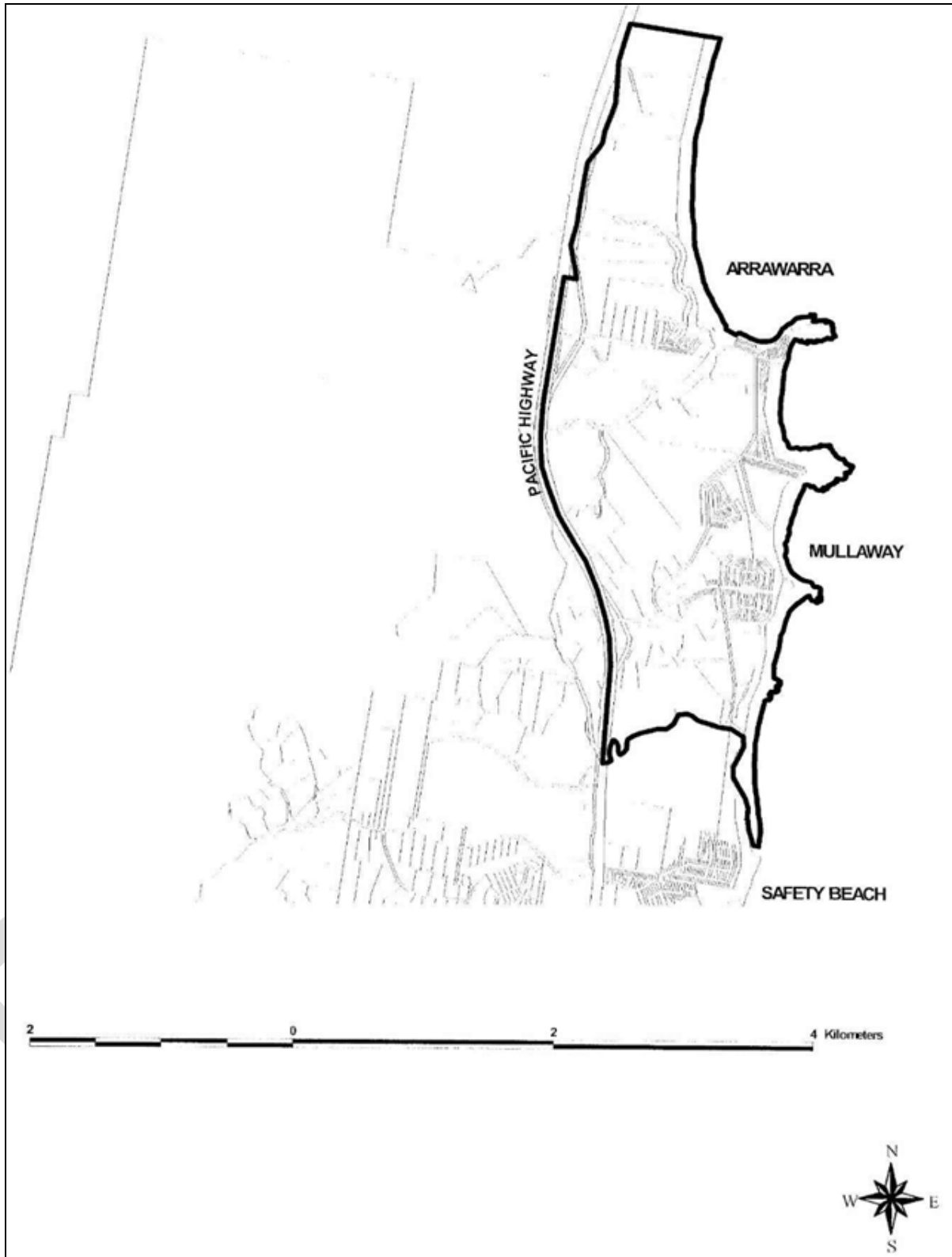
Works

Foreshore reserve
recreational facilities

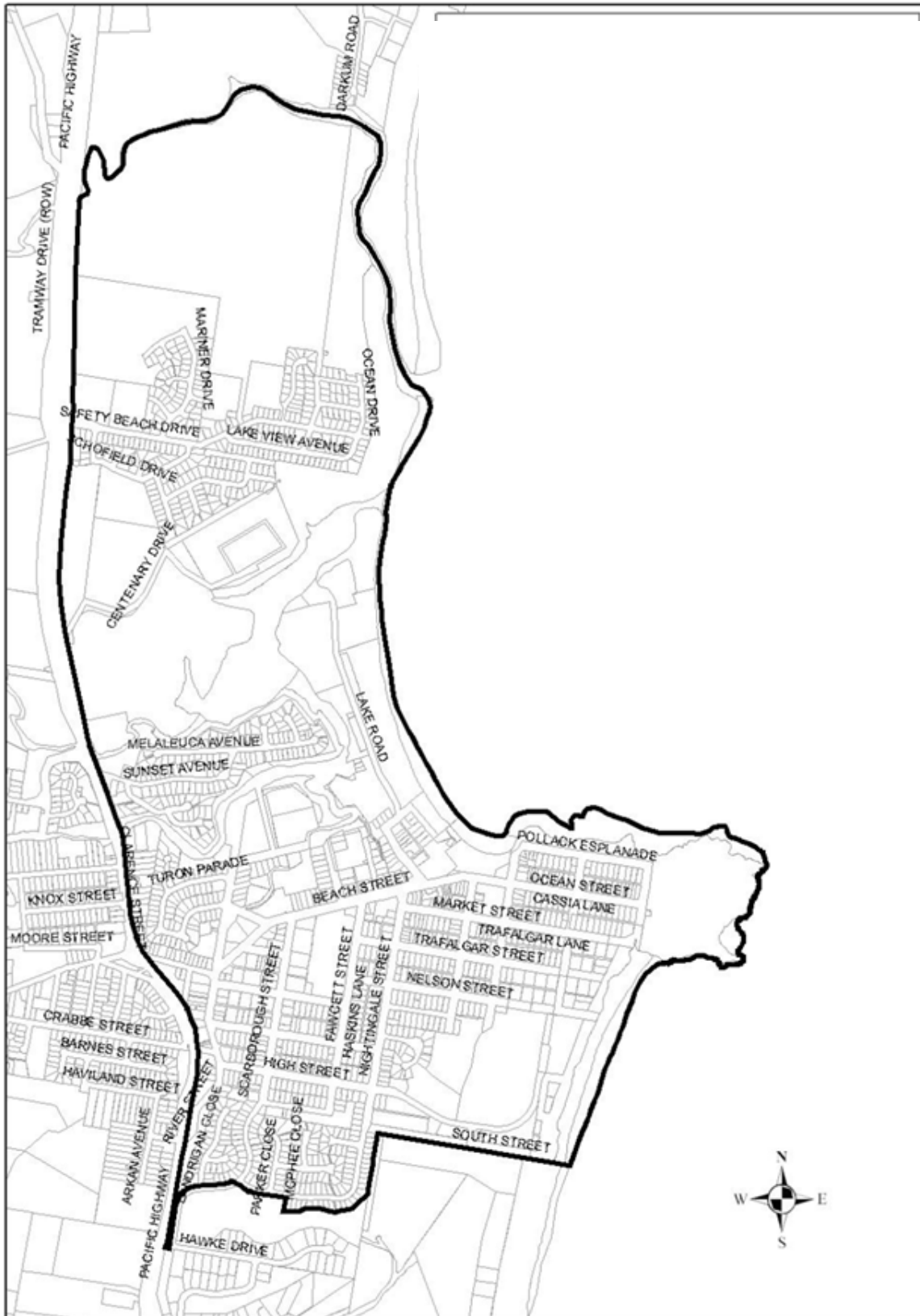
Total cost of works C = \$90,000.00

Future population P = 376

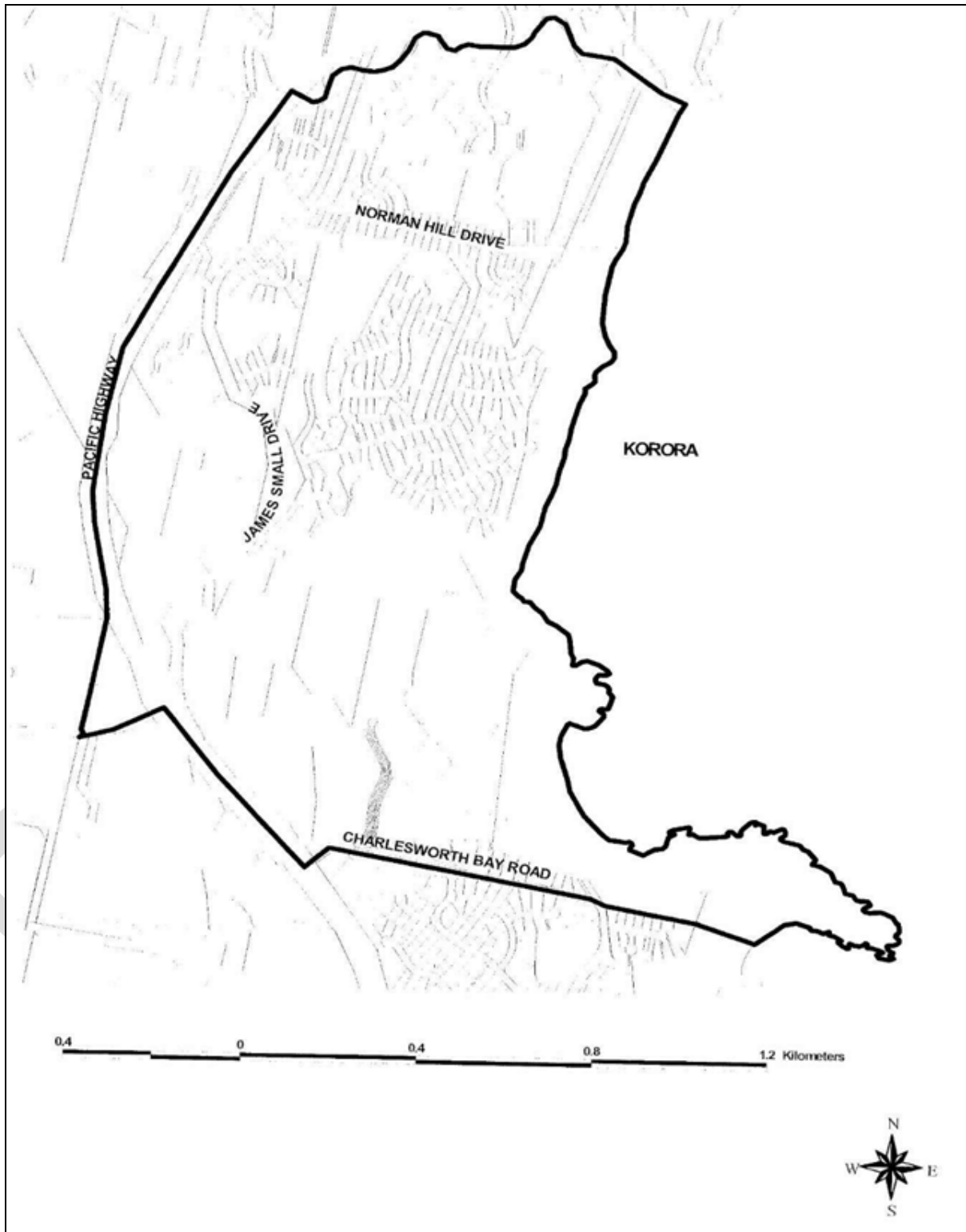
Amount levied or
collected L = \$26,738.28



MAP 4
ARRAWARRA - MULLAWAY NEIGHBOURHOOD



MAP 5
WOOLGOOLGA NEIGHBOURHOOD



MAP 6
KORORA NEIGHBOURHOOD

SECTION 94 CO-ORDINATION AND ADMINISTRATION

The preparation, review, and administration of Council's Developer contributions plans is currently undertaken by the Developer Contributions Team, which includes representatives from all areas of Council. Additionally other staff are required to ensure the smooth and effective operation of Developer Contributions. These additional staff include, but are not limited to, Executive Team members (policy decisions etc), Strategic Planning staff, and Information Services staff support.

This process is co-ordinated by Council's Developer Contributions Co-ordinator.

Functions undertaken by this role include preparation of new contributions plans, review of, and amendments to existing plans, preparation and monitoring of short and long term budgets for expenditure of contributions, and synchronising of forward work plans.

Nexus

As developer contributions are required to provide the new infrastructure and services required as a result of development, the Developer Contributions Co-ordinators role is required to assist in ensuring that all contributions plans are operating in accordance with their objectives, and that plans are regularly reviewed to ensure that facilities are provided in a timely manner.

Part 4 of the Environmental Planning and Assessment Regulation sets out the requirements surrounding the approval, amendment and repeal of contributions plans. It further requires Council's to maintain a contributions register, account for contributions, and prepare annual statements. These requirements are the result of Council choosing to implement contributions plans so that the costs of

providing public facilities and amenities to the incoming population are equitably borne by those who will receive their benefit.

Therefore the co-ordinators role, together with the input of other staff involved on the Developer Contributions Team, is required as a direct result of development. Contributions towards the costs of this role and other associated support roles and some "one off" costs associated with the provision of office space & equipment are to be funded by way of contributions.

This contribution is to be levied on all development applications where Section 94 developer contributions are applied.

Calculation of Contribution

The cost of co-ordination and administration of developer contribution plans for the next five years is \$692,008. Of this approximately \$150,000 is applicable to contributions other than those levied under S94. This proportion will be funded from sources other than contributions under S94.

The net amount to be collected is therefore \$542,008.

Contribution

Total cost of service C = \$692,008
 Funds from other Sources O = \$150,000
 Total Future population P = 4,900

Contribution per person

$$= \frac{(C - O)}{P}$$

$$= \frac{692,008 - 150,000}{4,900}$$

$$= \$110.61 \text{ per person}$$

APPENDIX A - INDEXING FACTORS FOR PROPOSED WORKS

Contribution Type	Indexation Basis	Index	Date Applied
Regional Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Northern District Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Coffs Harbour District Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Southern District Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Arararra/Mullaway N'hood Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Woolgoolga/Safety Beach N'hood Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
Korora N'hood Open Space	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006
S94 Contribution Co-ordination & Administration	Consumer Price Index – (All Groups) for Sydney	152.2	Mar. 2006

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

**Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000**

DRAFT

As reported to Council 24 April 2013



Attachment 2

COFFS HARBOUR ROAD NETWORK

**Developer Contributions
Plan 2013**



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Date of Commencement of the Plan	1
Summary of Contribution Rates.....	1
Area to which the Plan Applies	1
Summary of Contribution Rates.....	2

PART 2 - ADMINISTRATION AND ACCOUNTING

Name of the Plan	3
Purpose of the Plan	3
Relationship to Other Plans and Policies.....	3
How the Plan Operates.....	4
Formula for Determining Contributions	4
Calculation of Contributions	5
Timing of Payment of Contributions.....	5
Deferred or Periodic Payments	5
Works in Kind	5
Exemptions.....	5
Pooling of Funds	5
Indexing of Contribution Rates.....	6

PART 3 - STRATEGY PLANS

Relationship between expected Development and Demand for Traffic Facilities.....	7
Existing and Future Development.....	7
Future population and Densities.....	7
Modelling Methodology Summary.....	8
Figure 1 Future Road Network	9
Figure 2 Area to Which the Plan Applies	10
Table 2 Summary of Works Schedule	11

Appendix 'A' Indexing Factors	12
-------------------------------------	----

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where anticipated land use development will increase the demand for traffic infrastructure.

The Coffs Harbour Draft Settlement Strategy 2006 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

As a consequence of this anticipated development, and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide road network improvements titled the "Road Network" in its entirety by the year 2021. The roading improvements that make up the Road Network are shown graphically in Figure 1.

SUMMARY OF WORKS SCHEDULE

A schedule of works, construction timing, staging priorities and expenditures for the Road Network is summarised at Table 2.

TYPE OF DEVELOPMENT TO WHICH THIS PLAN APPLIES

This plan applies to all future residential development within the Local Government Area.

AREA TO WHICH THIS PLAN APPLIES

This contributions plan applies to all land parcels within the Coffs Harbour Local Government Area (LGA).

Figure 2 shows the division of the Coffs Harbour LGA into 2 broad sectors. The purpose of this is to equitably apportion contributions for all development within each given sector.

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the contribution rates applying to residential development, by sector. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THIS PLAN

This contributions plan came into operation on 4 March 2004. This contributions plan was amended on 24th August 2005, on 7th May 2007, on 24th April 2008 and further ON xx/xx/xxxx.

Table 1 –Road Network: Sector Contribution Rates

RESIDENTIAL CONTRIBUTIONS						
Sector (see figure 2)	Weighting	Net Cost to be Levied \$	Per person	Per Lot/Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors living Dwelling (self care)
A	66.65%	3,957,798	\$619.85	\$1,735.58	\$1,115.73	\$929.77
B	33.35%	1,993,778	\$272.90	\$764.12	\$491.22	\$409.35

Notes:

1. In addition to the above the relevant contribution rates associated with all other current regional developer contributions plans, regional, district and neighbourhood open space and community facilities, and water and sewer, also apply.
2. Contribution rates will be applied as follows:
 - The first lot in a residential subdivision is exempt from contributions
 - The first dwelling on a residential lot is exempt from contributions
 - The contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
3. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
4. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
6. Additional contribution rates for various other types of development are included in this plan at appendix "B"

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the Coffs Harbour Road Network Developer Contribution Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of traffic infrastructure that will be required as a consequence of development in identified areas, or that has already been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) Ensure that an adequate level of traffic infrastructure is provided as development occurs, in order to ensure that existing traffic operating conditions are maintained at the level experienced currently;
- (ii) Enable Council to recoup funds that it has spent in the provision of traffic infrastructure in anticipation of future development;
- (iii) Ensure that the existing community is not burdened by the provision of traffic infrastructure required as a result of future development; and

- (iv) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Coffs Harbour LGA.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan is consistent with the Coffs Harbour Urban Development Strategy 1996 and the Coffs Harbour City Council Urban Land Capacity Assessment 2004. This contribution plan should be read in conjunction with all other current developer contribution plans, including the Coffs Harbour Water Supply Development Servicing Plan and the Coffs Harbour Wastewater Development Servicing Plan 2002 (Section 64 of the Local Government Act 1993).

Furthermore, this contributions plan provides necessary means for the implementation of the council-adopted Road Network plan.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

The Road Network methodology document identifies growth traffic that demands the Road Network upgrades as “relevant” traffic to be used in the determination of contribution amounts. Of such traffic growth, it can be either a direct consequence of residential development, or not. Due to the inherent difficulty in forecasting non-residential growth, this plan only serves to charge residential growth. However, almost exactly 50% of “relevant” traffic growth is a function of growth that cannot be sourced to residential growth. This 50% of other relevant traffic growth is a result of either:

- Commercial activity
- External growth and through traffic growth
- Growth that is a consequence of demographic/residential growth but which cannot be linked geographically to such growth

Coffs Harbour City will contribute 50% of costs of the Road Network not funded elsewhere; this 50% is to fund the costs associated with these identified 50% of “relevant” trips, the costs associated with such which cannot be easily ascribed elsewhere.

FORMULAE FOR DETERMINING CONTRIBUTIONS

Contribution rates have been determined for each of the sectors shown in figure 2. The different weightings for each sector have been determined having consideration to the location and intensity of activity, and the behavioural patterns of road network users.

The formulae to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act are set out as follows:

Contribution per lot for development in the relevant sector =

$$\frac{(C - O - L) \times W}{P}$$

Where:

C = total cost of works to provide the Future Road Network assigned to the relevant sector as displayed in figure 2, including land acquisition, survey and design and construction costs, less all funds from other sources

O = Funds from other sources

L = Funds levied or collected to date

W = Weighting assigned to each sector as shown in table 1

P = Future population of relevant sector

For a complete treatment of these equations and their basis, please refer to the “*Coffs Harbour Road Network Developer Contributions Plan 2002 Supplementary Document: Traffic Modelling Methodology*”, the “Modelling Methodology” document.

CALCULATION OF CONTRIBUTION RATES

Sector ‘A’

$$\frac{(C - O - L) \times W}{P}$$

$$\frac{(\$26,866,000 - \$18,433,000 - \$2,481,424) \times .665}{6,385}$$

= \$619.85 per person

SECTOR 'B'

$$\frac{(C - O - L) \times W}{P}$$

$$\frac{(\$26,866,000 - \$18,433,000 - \$2,481,424) \times .335}{7,306}$$

= \$272.90 per person

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- Development consents involving subdivisions – prior to release of the linen plan
- Development consents involving building work – prior to the release of the construction certificate
- Development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the infrastructure required by the proposed development;
- no prejudice will be caused to the operation of this plan;

- The provision of the infrastructure or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) The deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

Note: for the purposes of this provision, "appropriate rate of interest", means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups (A) Sydney, as published by

the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to this contribution plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN DEVELOPMENT AND DEMAND FOR TRAFFIC INFRASTRUCTURE

The following information outlines the basis for establishing the relationship, the nexus between the expected residential development and its location in the Coffs Harbour LGA and the increased demand for the traffic infrastructure required to meet that development.

EXPECTED DEVELOPMENT

The following documents establish the location and extent of expected residential development.

The Coffs Harbour Draft Settlement Strategy 2006 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Coffs Harbour Land Capacity Assessment 2004 establishes the level of existing development and estimates a population of 100,408 by the year 2030. The estimates are based on 1994 Department of Urban Affairs and Planning medium population projections, occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour Local Environmental Plan.

The Coffs Harbour LEP 2000 makes provision for residential expansion in a number of areas throughout the Local Government Area.

Additionally, the availability of water and sewer utilities essentially acts as constraints to development, its location and timing, as set out by the land capacity assessment.

TRAFFIC MODELLING

Extensive traffic modeling was undertaken over a 2-year period in 1997 and 1998. This was in response to the perceived need for additional traffic infrastructure arising from both existing and anticipated development through to the year 2021. Such modeling firstly established that to 'do nothing' would result in unacceptable traffic operating conditions by the forecast year 2021; secondly, the modeling work undertaken examined a broad range of roading options and indicated the optimal traffic works as identified in Table 1.

Given the expected development to 2021 and the results of extensive traffic modeling, we are in a position to establish nexus.

FUTURE POPULATION & DENSITIES

According to ABS Census figures the population of Coffs Harbour was 58,337 in 1996 and 62,492 in 2000. The Coffs Harbour Land Capacity Assessment 2004 estimates that approximately 100,408 people will be living in Coffs Harbour in 2030.

An analysis of future development on lands currently zoned for development has revealed that an additional population of approximately 13,690 people can be accommodated. This figure does not include lands that are subject to a current development consent. Contributions for approved developments have been allowed for in contribution calculations in the figure labelled "Funds levied or collected to date". This population increase is expected to occur by the year 2021.

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates for the different type of residential dwellings.

Average occupancy rates in Coffs Harbour in 2001 were as follows:-

Occupancy Rates

DWELLING TYPE	OCCUPANCY RATE
Lot/ Large Dwelling	2.8
Small Dwelling	1.8
Seniors Living SEPP dwelling (Self Care)	1.5

Source: ABS census figures

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

CAUSAL NEXUS

There exists a causal nexus between anticipated new residential development to 2021, the consequential increased demand for all types of roads in the road hierarchy, and the need for the Road Network component works to be complete by 2021. This nexus, along with all following nexus types, is revealed fully in the supplementary "Modeling Methodology" document.

GEOGRAPHICAL NEXUS

There exists a geographical nexus or link between the locations of anticipated new residential development and the need for the identified locations of the Road Network upgrade components.

TEMPORAL NEXUS

Traffic modelling based on the estimated timing of anticipated new development alongside the location and intensity of the existing development establishes the staging priorities and construction dates of the

components of the Road Network as shown in Table 2.

The Road Network will be provided in a timely manner to benefit those who contribute towards it.

MODELLING METHODOLOGY SUMMARY

MODEL HISTORY

The type of model used in determination of residential contributions is known as an area-wide land use-network model, using the standard sequential analysis of:

- Trip Generation
- Trip Distribution
- Trip Assignment
- Evaluation

The models used in Coffs Harbour have their ultimate origins in research undertaken in the 1950's and 1960's, and modern traffic theory has significantly advanced on these beginnings. The exact models chosen, parameter values, assumptions and structural form have been calibrated extensively over time and regularly tested against observation, being validated against locally observed traffic counts at both the road midblock level and intersection turning movement level, reproducing observed flows, travel speeds and select journey times within industry accepted standards of accuracy.

METHODOLOGY OUTLINE

The traffic software enables a Select-link analysis (SELINC) to be run on trips of interest. SELINC provides the Origins and Destinations, in the form of OD matrices, of traffic from any selected network link. The purpose of this SELINC modelling method is to extract such SELINC matrices for all 11 Road Network links as identified in Table 2. Complete treatment of the modelling process is given in the "Modelling Methodology" document which can be viewed at Councils administration building.

Future 1 – The Road Network (FRN) – Relevant Road upgrades are shaded

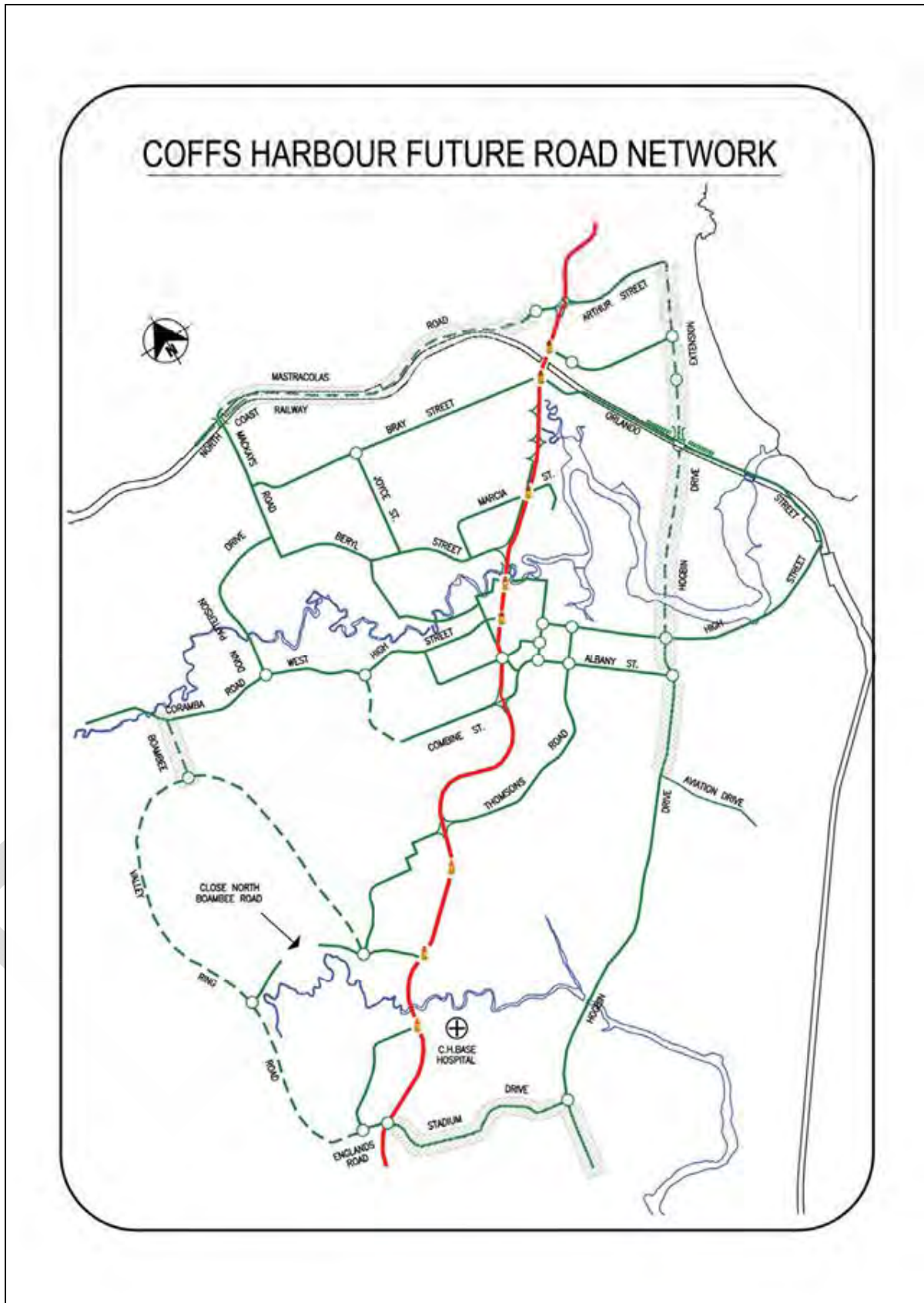


Figure 2 – Area to which this plan applies: the Sector Divisions - Sectors A and B

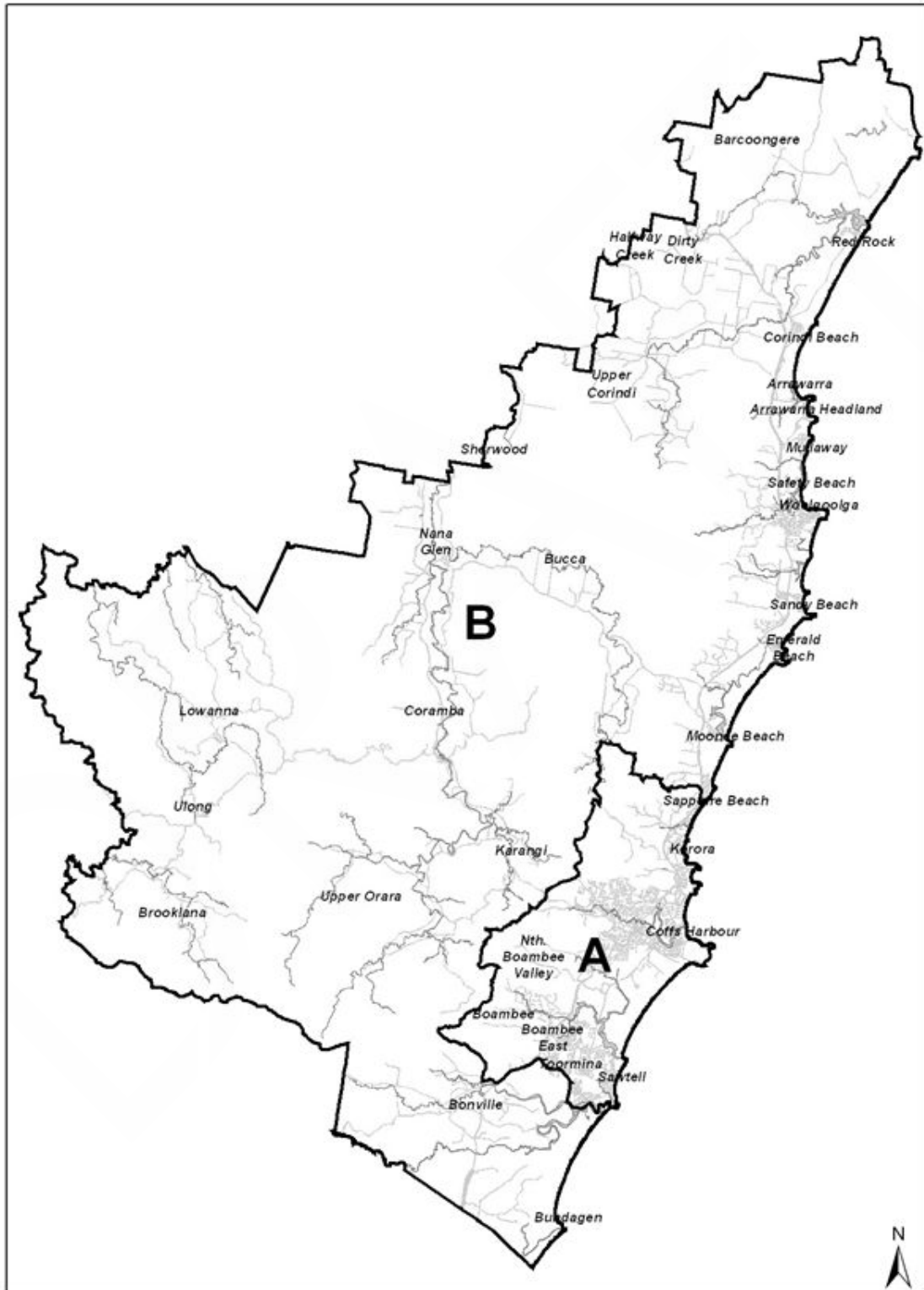


Table 2 – Schedule of Works, Construction Timing, Staging Priorities and Summary Costs

Priority	Description of Works	Timing of Works	Total Cost \$	Grant Funds or Other Income \$	Contrib.'s collected or levied as at 31-10-2006 \$	Net Cost to be Levied \$
1	Stadium Drive – Hogbin Drive to Pacific Highway	Works Complete	866,000	Council cont 433,000	182,542	250,458
2	Hogbin Drive Extension – Stage 1 Orlando Street to Park Beach Road	Works Complete	4,900,000	Council cont 2,450,000	1,032,861	1,417,139
3	Hogbin Drive Extension – Stage 2 Howard Street to Orlando Street	Works commenced 2006	15,600,000	Govt cont 10,000,000. Council cont 2,800,000	949,839	1,850,161
4	Hogbin Drive Widening – Howard Street to Aviation Drive	Works Complete	600,000	Council cont 300,000	126,473	173,527
5	Hogbin Drive Widening – Stadium Drive to Boambee Creek	Works Complete	900,000	Council cont 450,000	189,709	260,291
6	Mastracolas Road Extension – Pacific Highway to MacKay's Road	2010	4,000,000	Council cont 2,000,000	0	2,000,000
TOTALS			26,866,000	18,433,000	2,481,424	5,951,576

APPENDIX A - INDICES APPLYING TO CONTRIBUTIONS FOR THE ROAD NETWORK

Contribution Type	Index	Date Applied	Indexation Basis
Roads/Traffic Management	155.8	December 2006	Consumer Price Index – All Groups (A) for Sydney
Land Acquisition	155.8	December 2006	Consumer Price Index – All Groups (A) for Sydney

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website: www.coffsharbour.nsw.gov.au

DRAFT

As reported to Council 24 April 2013



Attachment 3

SURF RESCUE FACILITIES

**Developer Contributions
Plan 2013**

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Summary of Contribution Rates.....	1
Date of Commencement of the Plan	1

PART 2 - ACCOUNTING AND ADMINISTRATION

Name of the Plan	2
Purpose of the Plan	2
Area to which the Plan Applies	2
Relationship to other Plans and Policies	2
Formula for Determining Contributions	2
Timing of Payment of Contributions.....	3
Deferred or Periodic Payment	3
Works In Kind	3
Exemptions.....	4
Review of Contribution Rates	4

PART 3 - STRATEGY PLANS

Relationship Between Expected Development and Demand For Additional Public Facilities	5
Future Population and Densities	6
Table 2 – Schedule of Facilities	7

APPENDIX

A Indexing Factors for Proposed Works	7
B Standard Equivalent Tenement Figures.....	8

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contribution plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

Transport and Population Data Centre, NSW Statistical Local Area Population Projections 2001-2031, 2007 Release assesses the 2011 population for the Coffs Harbour Local Government Area as 75,340. Further it predicts a population of 81,720 in 2016

As a consequence of this anticipated growth and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide additional lifeguard storage facilities at selected locations within the Coffs Harbour Local Government area.

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the costs of the identified public facilities.

Table 1 summarises the contribution rates applying to the public facilities to be provided in accordance with this contributions plan. Appendix "B" includes additional contribution rates that apply to various other forms of development.

SUMMARY OF WORKS SCHEDULE

A schedule of facilities and a proposed timing of works is summarised at Table 2.

DATE OF COMMENCEMENT OF THE PLAN

This plan came into operation 30/08/2012.
This plan was amended on XX/XX/XXXX

Table 1 – Summary of Contribution Rates

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot/ Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living dwelling (self Care) \$
Rescue Equipment Storage Facilities	160,000	25.08	65.21	45.14	37.62

Notes:

1. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
2. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
3. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).
4. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004.
5. Additional contribution rates for various other types of development are included in this plan at appendix "B"

PART 2

ACCOUNTING AND ADMINISTRATION

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 2000 and may be referred to as the Surf Rescue Facilities Developer Contributions Plan 2013.

AREA TO WHICH THE PLAN APPLIES

The facilities included in this plan apply to the whole of the Coffs Harbour Local Government Area.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the EP & A Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public amenities and services that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

This plan should be referred to in conjunction with all new release area contributions plans adopted by Council and applying within the Coffs Harbour LGA.

Other purposes of the plan are to:

- (i) ensure that adequate surf rescue equipment storage facilities are available at strategic locations to support increased levels of rescue and patrol activities on additional beaches as a result of increased activity due to increased population;
- (ii) ensure that the existing community is not burdened by the provision of surf rescue facilities required for expanded lifeguard services required as a result of future development;
- (iii) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Coffs Harbour local government area (LGA).

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the EPA Act is as set out below:

Contribution per person

$$= \frac{C}{P}$$

Where:

- C = total cost of facilities required to provide the desired service
- P = anticipated additional population

CALCULATION OF CONTRIBUTION RATE

Cost of Equipment C = \$160,000.00

Future population P = 6,380 people

$$= \frac{\$160,000}{6,380}$$

= \$25.08 Per Person

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the subdivision certificate;
- development consents involving building work – prior to the release of the building approval;
- development consents where no building approval is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENT

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;

- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- the deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution;
- deferments will not be granted based on progressive land sales.

For the purposes of this provision, "*appropriate rate of interest*" means the seven year local government interest borrowing rate applicable from time to time, and "*appropriate institution*" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94 (5)(B) of the Environmental Planning and Assessment Act. Any offer for carrying out of works in kind or provision of a material public benefit must be made in writing and accepted by Council prior to commencement.

Attachment 3

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required.
- (c) the value of the works to be undertaken are at least equal to the value of the contribution assessed in accordance with this plan.

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

Council may also review the works schedule, the estimate of costs of the various pieces of equipment, population projections, or other aspects relating to the contribution plan.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

REVIEW OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the surf rescue equipment.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Our living City Settlement Strategy 2008 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

Transport and Population Data Centre, NSW Statistical Local Area Population Projections 2001-2031, 2007 Release assesses the 2011 population for the Coffs Harbour Local Government Area as 75,340. Further it predicts a population of 81,720 in 2016.

This contributions plan makes provision for the supply of storage facilities to meet the requirements of increased lifeguard services until the year 2016.

CAUSAL NEXUS

There has been a steady upward trend in the number of people visiting beaches within the Local Government Area. The anticipated increase in population in the Coffs Harbour LGA will place greater demands for the provision of Lifeguard services on additional beaches within the Local Government Area. This necessitates provision of additional patrol and rescue equipment, and subsequently results in the requirement for provision of additional storage facilities.

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, the estimated level of usage of specific beaches, and safety issues associated with those beaches and the manner in which such demand may be satisfied. Additionally locations have been selected having regard to serviceability of adjacent beaches.

TEMPORAL NEXUS

The facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 2 lists the benchmark or estimated staging for the provision of facilities to be provided in accordance with this plan.

FUTURE POPULATION & DENSITIES

Transport and Population Data Centre, NSW Statistical Local Area Population Projections 2001-2031, 2007 Release assesses the 2011 population for the Coffs Harbour Local government area as 75,340. Further it predicts a population of 81,720 in 2016, which indicates an increase in population of 6,380 people.

Average occupancy rates in Coffs Harbour in 2006 were as follows:-

Occupancy Rates

DWELLING TYPE	OCCUPANCY RATE
Lot/ Large Dwelling	2.6
Small Dwelling	1.8
Seniors Living SEPP Developments (self care)	1.5

Source: ABS census figures

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

COST OF WORKS

Table 2 provides a schedule of surf rescue facilities to be provided. The table also provides an estimated timing for the provision of the required facilities.

This timing is subject to the rate of development occurring and may require adjusting as demand dictates.

The total cost of facilities provided for in this plan is \$160,000.00

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C}{P} \\ &= \frac{\$160,000}{6,380} \\ &= \$25.08 \text{ per person} \end{aligned}$$

Table 2– Schedule of storage facilities

COUNCIL LIFEGUARD SERVICES			
	BEACH	Facilities	COST
2011	Park Beach	Upgrade and fitout storage facilities – Park Beach Reserve	\$20,000
2012	Sawtell Beach	Construction of storage shed – Boronia Park	\$30,000
2012	Park Beach	Additional storage fitout – Park Beach Reserve	\$10,000
2013	Diggers Beach	Construction of storage shed – Diggers beach reserve	\$30,000
2014	Emerald Beach	Construction of storage shed	\$20,000
2015	Woolgoolga Beach	Construction of storage shed	\$30,000
2016	Corindi Beach	Construction of storage shed	\$20,000
TOTAL			\$160,000

APPENDIX A
INDICES APPLYING TO CONTRIBUTIONS FOR THE
SURF RESCUE EQUIPMENT

Contribution Type	Index	Date Applied	Indexation Basis
Surf Rescue Facilities	178.8	September 2011	Consumer Price Index – (All Groups) for Sydney

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

Attachment 3

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Attachment 3

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000

Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 4

HEARNES LAKE / SANDY BEACH RELEASE AREA

Developer Contributions
Plan 2013

DRAFT



TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
PART 1 - SUMMARY SCHEDULES	1
EXECUTIVE SUMMARY.....	1
SUMMARY OF CONTRIBUTION RATES	1
DATE OF COMMENCEMENT OF THE PLAN	1
PART 2 – ADMINISTRATION AND ACCOUNTING.....	4
NAME OF THE PLAN	4
PURPOSE OF THE PLAN	4
THE AREA TO WHICH THE PLAN APPLIES.....	4
RELATIONSHIP TO OTHER PLANS AND POLICIES	4
HOW THE PLAN OPERATES.....	4
FORMULA FOR DETERMINING CONTRIBUTIONS	6
TIMING OF PAYMENT OF CONTRIBUTIONS.....	6
DEFERRED OR PERIODIC PAYMENTS.....	6
EXEMPTIONS.....	7
WORKS IN KIND	7
POOLING OF FUNDS.....	7
INDEXING OF CONTRIBUTION RATES	7
PART 3 – STRATEGY PLANS.....	8
RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES.....	8
CAUSAL NEXUS.....	8
PHYSICAL NEXUS.....	8
TEMPORAL NEXUS	9
EXISTING AND FUTURE DEVELOPMENT IN THE HEARNES LAKE / SANDY BEACH AREA.....	9
PROJECTED DWELLING YIELD	9
OCCUPANCY RATES.....	9
POPULATION PROFILE.....	10
PROPOSED PUBLIC FACILITIES.....	10
OPEN SPACE AND RECREATION	10
TRANSPORT AND TRAFFIC MANAGEMENT	14
URBAN PLANNING.....	18
DEVELOPMENT STUDIES	18
APPENDICES	
APPENDIX "A" - INDEXING FACTORS FOR FUTURE WORKS.....	18
APPENDIX "B" – STANDARD EQUIVALENT TENEMENT FIGURES.....	18

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The Hearnese Lake/ Sandy Beach Development Control Plan makes provision for, further residential expansion in the order of 502 additional dwellings accommodating 1,352 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- open space and recreational facilities
- transport and traffic facilities

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the contribution rates applying to the different forms of development in the Hearnese Lake /Sandy Beach release area. Appendix "B" includes additional contribution rates that apply to various other forms of development.

Table 2 summarises the costs of the identified public facilities.

DATE OF COMMENCEMENT OF THE PLAN

- This plan came into operation on 7 December 2005. This Contributions Plan was amended on 24th April 2008, and again on XX/XX/XXXX
- This Plan repeals any other Plan made before this Plan, this Plan prevails to the extent of any inconsistency.

Table 1 – Summary of Contributions

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot Or large dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self cared)
ALL PRECINCTS					
Transport & Traffic	\$2,393,487	\$1,770.33	\$4,956.93	\$3,186.59	\$2,655.50
Development Studies	\$58,027	\$42.92	\$120.17	\$77.22	\$64.38
Open Space	\$340,000	\$251.48	\$704.14	\$452.66	\$377.22
Total Contributions All Precincts	\$2,791,514	\$2,064.73	\$5,781.24	\$3,716.47	\$3,097.10
NORTHERN PRECINCT					
Neighbourhood Open Space	\$70,000	\$111.11	\$311.11	\$200.00	\$166.66
Transport & Traffic	\$2,443,980	\$3,879.33	\$10,862.10	\$6,982.79	5,818.99
Total Contributions Northern Precinct	\$2,513,980	\$3,990.44	\$11,173.21	\$7,182.79	\$5,985.65
WESTERN PRECINCT					
Transport & Traffic	\$317,400	\$508.65	\$1,424.23	\$915.57	\$762.97
Neighbourhood Open Space	\$135,000	\$216.35	\$605.78	\$389.43	\$324.53
Total Contributions Western Precinct	\$452,400	\$724.00	\$2,030.01	\$1,305.00	\$1,087.50
EASTERN PRECINCT					
Neighbourhood Open Space	\$27,000	\$137.75	\$385.71	\$247.95	\$206.63
Total Contributions Eastern Precinct	\$27,000	\$137.75	\$385.71	\$247.95	\$206.63

Notes:

- In addition to the above, the relevant contribution rates in the Coffs Harbour Regional and District Facilities Contributions Plan, the Coffs Harbour Road Network Contributions Plan, the Surf Rescue Facilities Contributions Plan, the Coffs Harbour Water Supply and Wastewater Developer Services Plans and other contribution plans will also apply.
- Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
- A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
- The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100m² of floor area excluding garages and balcony areas
- SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
- Additional contribution rates for various other types of development are included in this plan at appendix "B"

Table 2 - Schedule of Works, Commencement, Staging and Expenditures

Works Required	Estimated Capital Cost \$	Benchmark/Estimated Staging
ALL PRECINCTS		
Collector Roads and Traffic facilities - Construction - Cycleways/Pathways - Bus Shelters	\$2,393,487	As demand dictates
Development Studies	\$58,027	Completed
Open Space	\$340,000	As funds become available
NORTHERN PRECINCT		
Local Collector Roads - Construction - Bus Turning Area	\$2,443,980	As demand dictates
Neighbourhood Open Space - Embellishment	\$70,000	As funds become available
WESTERN PRECINCT		
Neighbourhood Open Space - Embellishment	\$135,000	As funds become available
Traffic Facilities - Construction	\$317,400	As demand dictates
EASTEN PRECINCT		
Neighbourhood facilities - Construction	\$27,000	As funds become available

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the Hearnese Lake/ Sandy Beach Release Area Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided throughout the catchment as development occurs;
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development;
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development;
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Hearnese Lake /Sandy Beach Release Area.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within the Hearnese Lake /Sandy Beach Release Area as shown in Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

The plan supplements the Coffs Harbour City Local Environmental Plan 2000 and Development Control Plan applying to the Hearnese Lake / Sandy Beach Release Area.

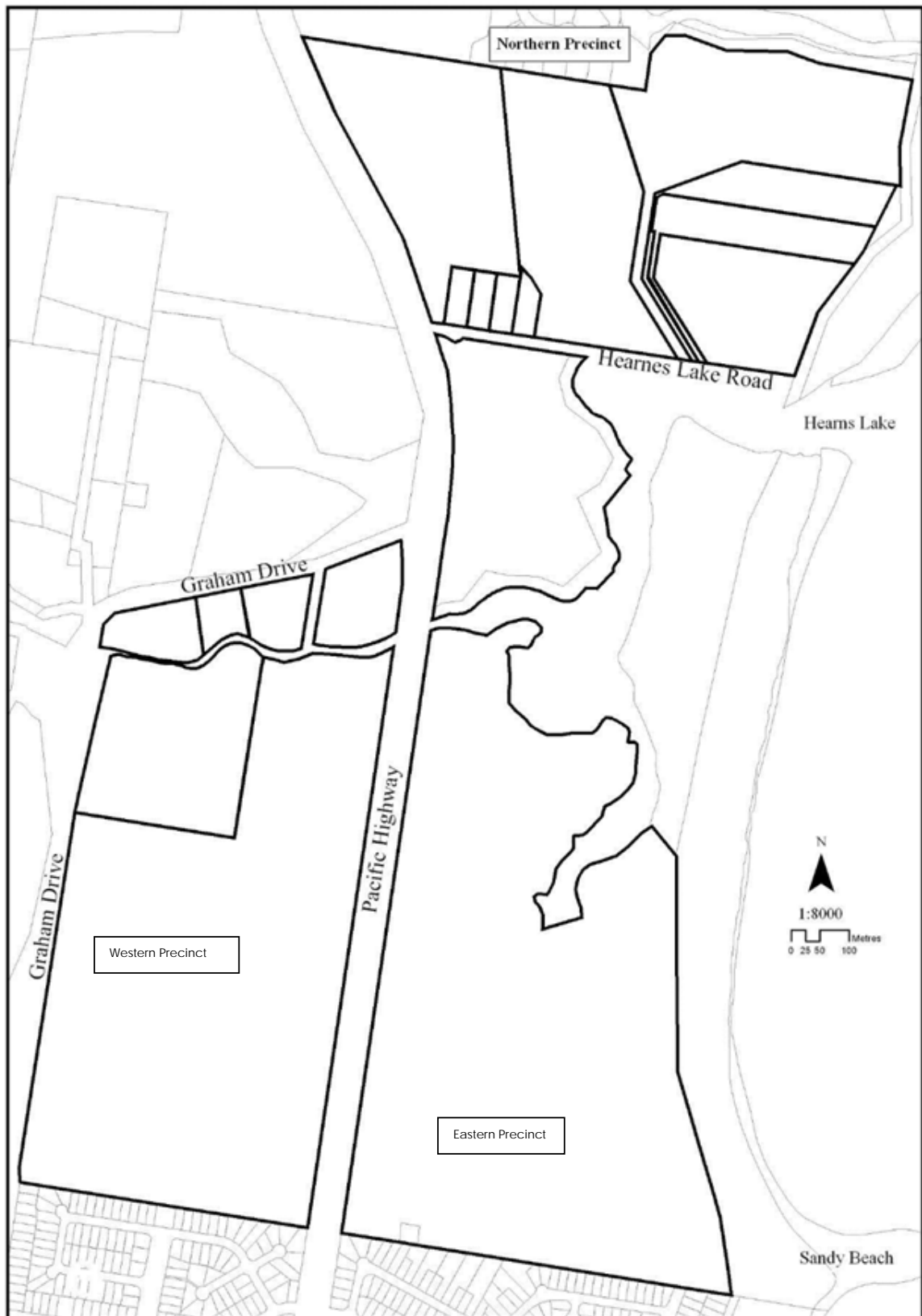
This contributions plan should be read in conjunction with the Coffs Harbour Regional, District and Neighbourhood Facilities Contributions Plan and the Coffs Harbour Water Supply and Wastewater Developer Services Plans (Section 306 (3) of the Water Management Act, 2000) and other contribution plans that may apply to the Hearnese Lake / Sandy Beach Release Area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

MAP 1 - LOCALITY



FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C}{P}$$

Where:

C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received

P = future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan;
- development consents involving building work – prior to the release of the construction certificate;
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) The deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94 (2C) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required.

Attachment 4

- (c) the value of the works to be undertaken are at least equal to the value of the contribution assessed in accordance with this plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups (A) Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

- RC = Revised contribution rate per ET applicable at the time of payment
- C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Urban Development Strategy 1996 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Draft Coffs Harbour Settlement Strategy 2005 establishes the level of existing development and estimates a population of approximately 100,000 in Coffs Harbour by the year 2030. The estimates are based on occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour City Local Environmental Plan 2000.

Coffs Harbour Sewerage Strategy 2000 identifies areas to be serviced by reticulated sewerage to the year 2021.

Coffs Harbour City Council Community Services Plan 1998 specifies the community facilities required by future development.

Coffs Harbour City Council Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

The Hearnese Lake /Sandy Beach Release Area Development Control Plan sets out detailed guidelines for development in the Hearnese Lake /Sandy Beach Release Area. It provides for residential development with the dominant form being detached dwellings.

CAUSAL NEXUS

The anticipated increase in population in Hearnese Lake will place greater demands on existing public facilities and require the provision of new public facilities that are not currently available in the Hearnese Lake / Sandy Beach area.

Table 1 in this plan lists the public facilities to be provided in the Hearnese Lake /Sandy Beach catchment.

The Coffs Harbour Regional, District and Neighbourhood Facilities Plan lists public facilities provided for the benefit of future population in Hearnese Lake together with future population in other catchments.

The Coffs Harbour Water Supply Development Services Plan 2013 and Wastewater Treatment & Carrier System Development Services Plan 2013 lists the water and sewerage requirements for new development in the Hearnese Lake /Sandy Beach Area.

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such needs may be satisfied.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 2 lists the benchmark or estimated staging for the provision of public facilities in the Hearn Lake /Sandy Beach Release Area.

EXISTING AND FUTURE DEVELOPMENT IN THE HEARNES LAKE / SANDY BEACH AREA

The Northern Precinct currently accommodates a population of approximately 42 people in detached residential dwellings on land parcels ranging from 0.4 to 6.4 ha. There is also an existing caravan park which has approval for 95 sites.

There is currently no residential development in the Eastern precinct.

The western precinct also currently has no significant residential development.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yield. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The projected dwelling yield for Hearn Lake / Sandy Beach can be explained in terms of two types of housing:

- Conventional Housing - generally Torrens title allotments with single detached dwellings with allotment sizes less than 800m².
- Dual Occupancy Housing - Torrens strata or community title allotments comprising duplexes or two detached dwellings with an average allotment size of around 400m².

There is also some provision for residential tourist accommodation in the Northern Precinct.

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates. The forecast occupancy rates are shown in Table 3.

Table 3 - Occupancy Rates

Housing Type	Occupancy Rates
Conventional, Dual Occ, Integrated Housing	2.8 persons/dwelling
Medium Density	1.8 persons/dwelling
Seniors Living SEPP Developments (self care)	1.5 persons / dwelling

The total projected population of the release area based on these occupancy rates and projected dwelling yields, is shown in Table 4.

Table 4 - Population Projection

Housing Type	*Occ Rate	No. of Dwellings	Pop'n
Northern Precinct			
Conventional, Dual Occ, Integrated Housing	2.8	191	535
Medium Density	1.8	53	95
Total		244	630
Western Precinct			
Conventional, Dual Occ, Integrated Housing	2.8	223	624
Total		223	624
Eastern Precinct			
Conventional, Dual Occ, Integrated Housing	2.8	35	98
Total		35	98
Total All Precincts		502	1,352

*Occupancy Rate

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 1,352 persons.

The population profile of Hearnese Lake / Sandy Beach is initially anticipated to reflect an "ageing" population model. This ageing population is expected to have the following age characteristics:

Table 5 - Population

Age	%
0-9	13.5
10-19	15.3
20-29	9.3
30-39	12.5
40-49	15.6
50-59	12.5
60+	21.3
Total	100.0

The population is expected to have a high proportion of elderly people with persons of pensioner age (60+ years), young to middle age adults (30-49 years) and school age (5-19 years).

PROPOSED PUBLIC FACILITIES

There are no community facilities proposed for Hearnese Lake / Sandy Beach as the expected population for the area is not sufficient enough to support any new facilities. People in the Hearnese Lake area will have access to the Woolgoolga Neighbourhood Centre, Senior Citizens Centre and Woolgoolga Health Community Centre.

The population will contribute proportionally to the demands for certain regional facilities that could not be sustained by the Hearnese Lake / Sandy Beach Area in its own right.

The Coffs Harbour Regional, District and neighbourhood Facilities Contributions Plan identifies the contribution rate for regional community facilities.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities are limited within Hearnese Lake / Sandy Beach.

Informal recreation opportunities are provided with the nearby beaches, and various bushland and reserve corridors.

IDENTIFIED NEEDS

On the basis of this population model, it is anticipated that a preference for structured sporting facilities, passive recreation and neighbourhood parks/ playgrounds will exist. Open space facilities can be considered at a regional, district and local level.

Regional

Regional open space caters for users prepared to travel significant distances from within and outside the Coffs Harbour local government area. These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits, and nature conservation.

Regional open space areas in the vicinity of Hearnese Lake / Sandy Beach include the Coffs Coast Sport & Leisure Park, North Coast Regional Botanic Garden, Brelsford Park and Jetty Foreshores.

Note:

Contributions for Regional Open Space are considered under a separate plan.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities.

The primary use of these lands will be for organized recreation by residents of Hearnese Lake /Sandy Beach. Council's Open Space Strategy provides standards for the provision of district sporting facilities.

Since the expected additional population of the release area is only 1,352 people, it is not necessary to provide a centralized complex with all these facilities. Whilst a Sporting complex incorporating two sporting fields, and associated facilities will be developed within the western precinct, this will serve the needs of a wider population than the new release area. The costs of these facilities will be levied on a district basis under a separate contributions plan.

Residents of Hearnese Lake /Sandy Beach can utilize a number of the facilities available in the northern district such as Centennial Reserve, Woolgoolga Sports Ground, Woolgoolga Beach Reserve, Woolgoolga Lake Reserve and Woolgoolga Creek Foreshores.

Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

Note:

Contributions for District Open Space are considered under a separate plan.

Local

Local open space is land used primarily for localized recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

Map 2 illustrates a 500m radius around potential neighbourhood park sites to provide a measure of demand based on spatial distribution and accessibility. It is to be noted that this radius does not take into account topography and other physical constraints. On this basis, one neighbourhood park with playgrounds and associated facilities will be required in the northern precinct and two neighbourhood parks in the western precinct to meet the needs of the community.

Additional facilities are planned for the Hearnese Lake foreshore area within the northern precinct. These facilities include car parking, picnic facilities, playground, toilets, a canoe launching facility, and other associated facilities. It is envisaged that these facilities will be used by all residents of the release area. Accordingly the cost of the facilities will be funded through contributions from all precincts in the release area.

Creek buffers and drainage reserves provide a necessary role in providing stormwater drainage requirements and environmental protection to Hearn's Lake. This contributions plan provides no allowance for purchase of any of these lands. These lands are to be dedicated progressively as subdivision applications are lodged.

PROPOSED FACILITIES

The location of the neighbourhood parks are shown on Map 2.

The minimum works required for neighbourhood parks are:

- playground equipment;
- park seats; and
- landscaping.

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{C}{P}$$

C = Cost of facility

P = Expected population

ALL PRECINCTS

Foreshore embellishment works and facilities

$$\begin{aligned} \text{Contribution} &= \frac{C}{P} \\ &= \frac{\$340,000}{1,352} \\ &= \$251.48 \text{ per person} \end{aligned}$$

Northern Precinct

1 neighbourhood playground

$$\begin{aligned} \text{Contribution} &= \frac{C}{P} \\ &= \frac{\$70,000}{630} \\ &= \$111.11 \text{ per person} \end{aligned}$$

Western Precinct

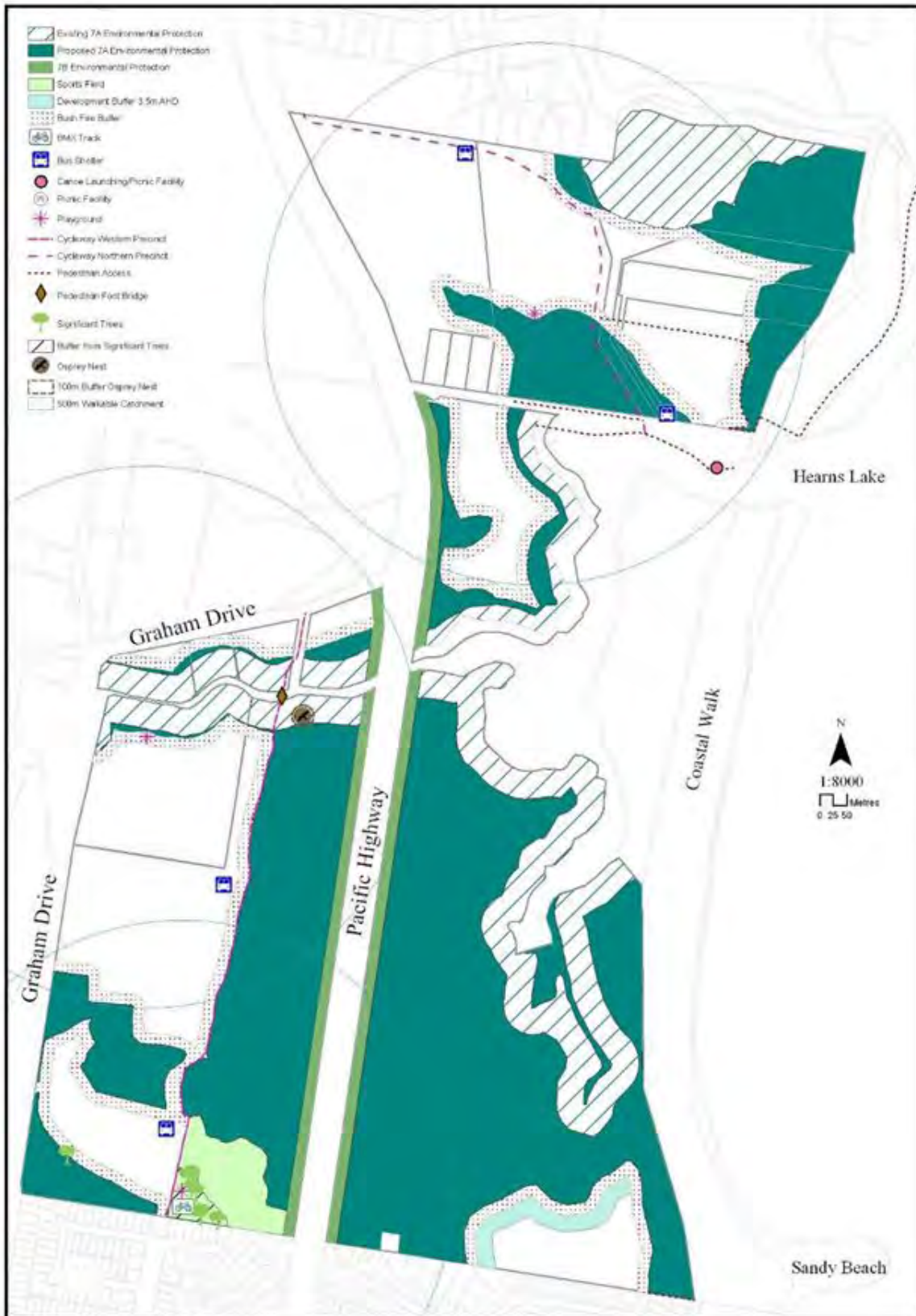
2 neighbourhood playgrounds plus BMX track

$$\begin{aligned} \text{Contribution} &= \frac{C}{P} \\ &= \frac{\$135,000}{624} \\ &= \$216.35 \text{ per person} \end{aligned}$$

Eastern Precinct

Pedestrian/Cycleway to beach reserve

$$\begin{aligned} \text{Contribution} &= \frac{C}{P} \\ &= \frac{\$27,000}{98} \\ &= \$137.75 \text{ per person} \end{aligned}$$



MAP 2
OPEN SPACE AND RECREATION

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through the Hearnese Lake /Sandy Beach area recognizes the dependence on the motor vehicle, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for an efficient bus service.

EXISTING FACILITIES

The Hearnese Lake /Sandy Beach Release Area is bisected by the Pacific Highway. Access to the east is provided by Hearnese Lake Road and to the west by Graham Drive. The Roads and Traffic Authority (RTA) have indicated that in the longer term access to the Highway should be restricted to grade separated intersections.

IDENTIFIED NEEDS

The transport demands within the release area can be categorized in terms of the road network, public transport and pedestrian/bicycle network.

Road Network

Under the DCP it is proposed that the RTA fund and construct a grade separated interchange on the Pacific Highway at Graham Drive as part of the Pacific Highway Upgrade program. A Collector Road is proposed connecting the eastern and western precincts to the northern precinct and through to South Woolgoolga via the grade separation.

District Facilities

This contribution plan provides for development of the collector road and associated traffic management measures. Development adjacent to the collector road will be required to fund a fully constructed 11m carriageway.

There are two sections of the collector road in the western precinct with no development adjacent to the road. As these sections are required for efficient access to the proposed district sporting and recreational facilities, the full cost of construction of those sections of the collector road will be funded from contributions from all three precincts. Map 3 identifies those sections of the collector road and associated infrastructure to be fully funded by contributions.

The contribution plan provides for the construction of two new major intersections required for development. One is proposed on Graham Drive North to access the Western Precinct and one on the Pacific Highway to access the Northern Precinct.

The Graham Drive intersection is deemed to be a District Facility as it is required for safe and efficient access between the development areas, sporting and recreation facilities, the foreshore area and local road access.

The contribution plan also provides for the reconstruction of sections of Graham Drive that require upgrade due to the impact of development.

Local Facilities

Development adjacent to the collector road will be required to fund a fully constructed 11m carriageway.

A section of the collector road in the northern precinct with no development adjacent will be funded from contributions. This plan makes no provision for forward funding these works. Map 3 identifies this section of the collector road.

Development North of Hearnese Lake Road will be required to pay a local contribution towards the construction of a new intersection on the Pacific Highway at Bosworth Road (The new Pacific Highway intersection will be subject to the approval of the RTA and dependent on timing of new development with timing of the Pacific Highway Upgrade).

Development north of Hearn's Lake Road is limited to 80 lots after which access and egress to the northern precinct is to be via the Bosworth road intersection.

The cost of the collector road from the northern boundary of Lot 4 DP 612977 to Bosworth Road, and required intersection upgrade work is to be forward funded by the developer who wishes to proceed beyond the 80 lot limit, with costs being reimbursed as contributions are received.

Development North of Hearn's Lake Road will also be required to pay a local contribution towards the construction of a bus turn around area at the eastern end of Hearn's Lake Road.

Additional transport and traffic management facilities required for development of the Eastern Precinct will be determined at the time of subdivision.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those under 17 years of age.

Opportunities for public transport within the release area are currently limited to the provision of a bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters, seats and bus bays.

Bus stops are to be included in the cost estimates for the collector road. It is proposed to provide bus shelters/seats at key bus stop locations. A total of 4 stops will be provided, as shown in Map 3.

Pedestrian and Bicycle Ways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys. The proposed routes are identified in Map 3 and have been designed to relate to the need for access to Sandy Beach School, recreation facilities and shops. These facilities will also provide a link for the Coastal Walk and northern beaches cycleway.

Pedestrian and cycle routes are to be shared with vehicles on low order local roads and off-road footpaths/cycleways on the collector roads.

A pedestrian/cycleway bridge over Double Crossing Creek, linking the Northern Precinct to the Western Precinct, school and playing fields is required to separate vehicle traffic from school children and bicycle traffic. This bridge is to be funded through this contribution plan.

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities, which will be funded using Section 94 contributions on the basis of the local and district facilities.

DISTRICT FACILITIES

Full construction 11m wide with bioretention/grass swale drains 165m @ 1300 including land acquisition	\$446,500
Reconstruction of Graham Drive at Morgan's Road	\$200,000
Austroads Type C intersection on Graham Drive	\$600,000
Traffic Calming/cycleway crossovers 8 x \$5,000	\$40,000
District Cycleway 2,075m @ \$180	\$373,320
Pedestrian Bridge over Double Crossing Creek	\$150,000
15% Design and Supervision	\$271,473
15% Contingencies	<u>\$312,194</u>
Total Cost	\$2,393,487

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

$$\text{Contribution Rate} = \frac{C}{P}$$

$$C = \frac{\$2,393,487}{1,352}$$

$$= \$1,770.33 \text{ per person}$$

Local Facilities

Northern Precinct	
Closure of Hearn's Lake Road	\$50,000
Bus Turning Area	\$60,000
Bus Stops	\$40,000
Collector road full width	\$546,000

Austroads Type C intersection on Pacific Highway	\$600,000
Collector road to Highway intersection	\$552,000
15% Design & Supervision	\$277,200
15% Contingencies	\$318,780
Total Cost	<u>\$2,443,980</u>

$$\text{Contribution Rate} = \frac{C}{P}$$

$$C = \frac{\$2,443,980}{630}$$

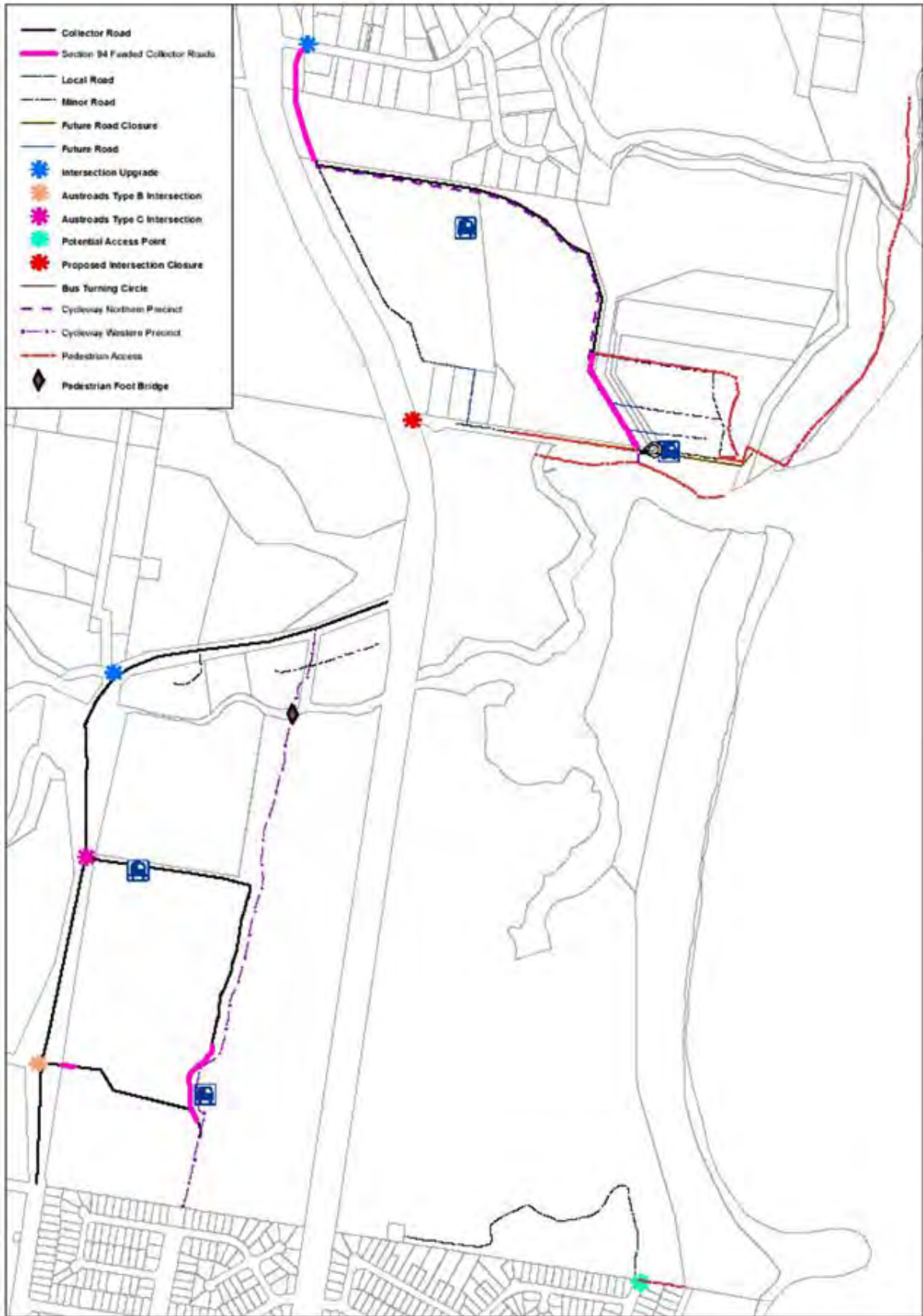
$$= \$3,879.33 \text{ per person}$$

Western Precinct	
Austroads Type B intersection on Graham Drive	\$200,000
Bus Stops	\$40,000
15% Design and Supervision	\$36,000
15% Contingencies	<u>\$41,400</u>
Total Cost	\$317,400

$$\text{Contribution Rate} = \frac{C}{P}$$

$$C = \frac{\$317,400}{624}$$

$$= \$508.65 \text{ per person}$$



MAP 3
TRAFFIC AND TRANSPORT STRATEGY

URBAN PLANNING

DEVELOPMENT STUDIES

Section 94 of the Environmental Planning and Assessment Act 1979 allows the recoupment of costs for the preparation of the DCP, this Contributions Plan and associated studies. The cost of studies and the plan is \$58,027.00.

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate:

$$\begin{aligned} \text{Contribution Rate} &= \frac{C}{P} \\ &= \frac{\$58,027.00}{1,352} \\ &= \$42.92 \text{ per person} \end{aligned}$$

APPENDIX A - INDEXING FACTORS FOR FUTURE WORKS

Contribution Type	Indexation Basis	Index	Date Applied
Traffic Facilities	Consumer Price Index, All Groups (A) Sydney	150.50	30/9/2005
Neighbourhood Open Space	Consumer Price Index, All Groups (A) Sydney	150.50	30/9/2005
Development Studies	Consumer Price Index, All Groups (A) Sydney	150.50	30/9/2005

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET Section 94 Contribution Plans	Unit Rate per ET Water DSP	Unit Rate per ET Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000

Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 5

KORORA RURAL RESIDENTIAL RELEASE AREA

**Developer Contributions
Plan 2013**

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Summary of Works Schedule.....	1
Summary of Contribution Rates.....	1
Date of Commencement of the Plan	1

PART 2 – ADMINISTRATION AND ACCOUNTING

Name of the Plan	3
Purpose of the Plan	3
The Area to which the Plan Applies.....	3
Relationship to other Plans and Policies	3
How the Plan Operates	3
Formula for Determining Contributions	5
Timing of Payment of Contributions.....	5
Deferred or Periodic Payment.....	5
Works in Kind.....	6
Exemptions.....	6
Pooling of Funds	6
Indexing of Contribution Rates.....	6

PART 3 – STRATEGY PLANS

Relationship between Expected Development and Demand for Additional Public Facilities	7
Existing and Future Development in Korora.....	8
Proposed Public Facilities	9
Open Space and Recreation	9
Transport and Traffic Management.....	9
Urban Planning.....	12
Bushfire	12
Works Schedule	13

APPENDICES

A Indices.....	13
B Standard Equivalent Tenement Figures	14

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities

The Korora Rural Residential Release Area Development Control Plan (DCP) makes provision for further rural residential expansion in the order of 250 additional dwellings accommodating 750 people. The Korora Rural Residential Release Area catchment will ultimately cater for a population of 1,500 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide transport and traffic facilities and bush fire fighting equipment to cater for the additional population.

The costs of the urban planning component required to enable development of the release area are also included.

SUMMARY OF WORKS SCHEDULE

A schedule of works, estimated staging and expenditures is summarised on page 13.

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the costs of the identified public facilities.

Table 1 summarises the contribution rates applying to the different forms of development in the Korora Rural Residential Release Area. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 27 February 2004. This plan was amended on 24 August 2005, 22nd March 2006, on the 24th April 2008, on 28th June 2012, and further on the XX/XX/XXXX

Table 1 - Summary of Contributions

Service/Facility	Net Cost to be Levied \$	Per Person \$	Per Lot / Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Transport and Traffic	3,394,661	6,591.57	17,138.08	11,864.82	9,887.35
Bush Fire Equipment	79,484	154.34	401.28	277.81	231.51
Urban Planning	217,702	422.72	1,099.07	760.90	634.08
Total Contribution	3,691,847	7,168.63	18,638.43	12,903.53	10,752.94

Notes:

1. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
2. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
3. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).
4. In addition to the above the relevant contribution rates for Regional, District and Neighbourhood Open Space and Community Facilities, Surf Rescue Equipment, and Coffs Harbour Road Network will also apply.
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004.
6. Additional contribution rates for various other types of development are included in this plan at appendix "B"

PART 2 - ADMINISTRATION & ACCOUNTING

THE AREA TO WHICH THE PLAN APPLIES

This plan applies to all land within the Korora Rural Residential Release Area as described on Map 1.

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the Korora Rural Residential Release Area Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation. This enables Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be required as a consequence of development in the area or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided within the Korora rural residential release area as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Korora Rural Residential Release Area.

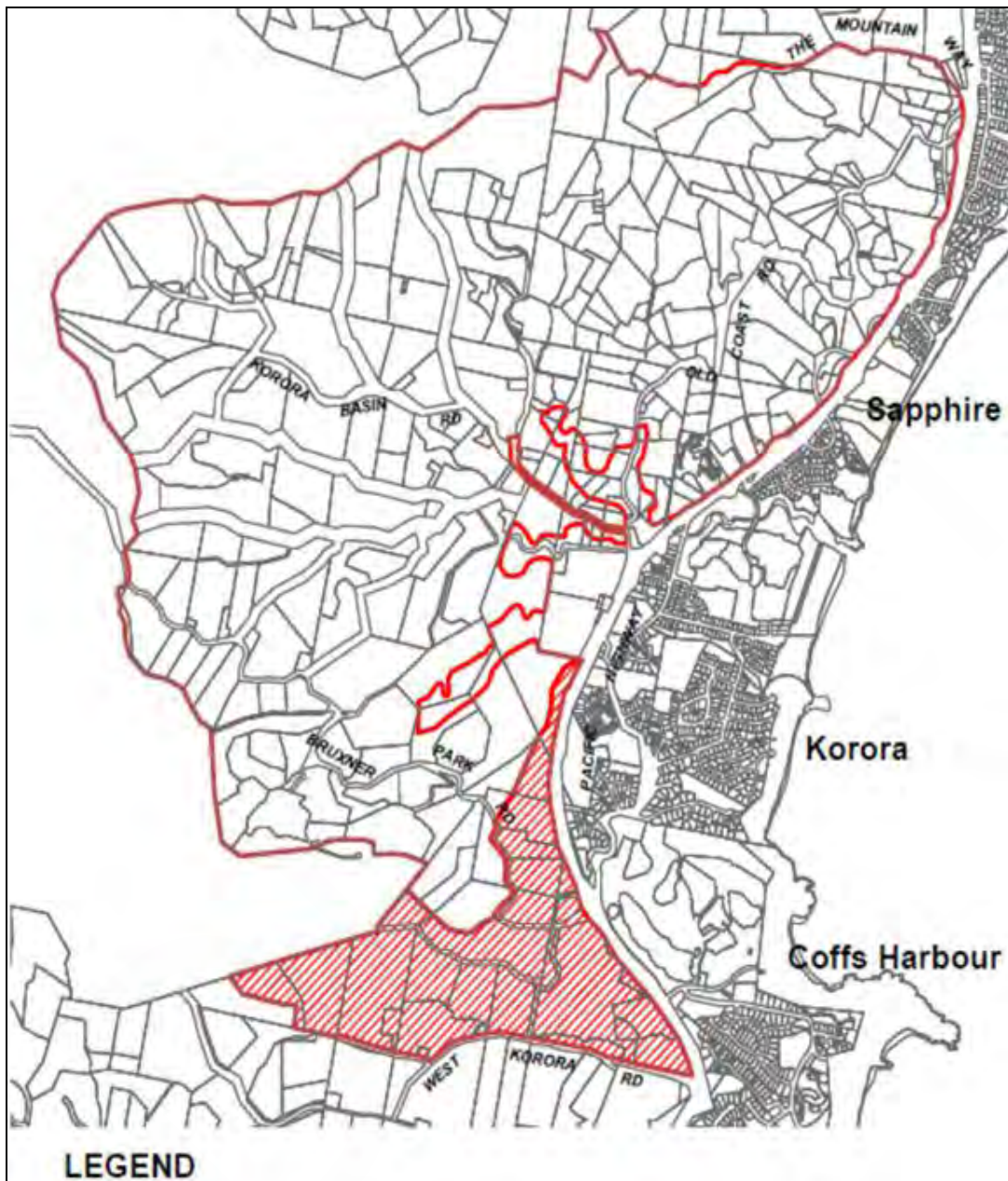
RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supplements the Coffs Harbour City Local Environmental Plan 2000 and Development Control Plan applying to the Korora Rural Residential Release Area. This contributions plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013, the Surf Rescue Facilities Plan, the Coffs Harbour Road Network Plan and the Water Supply and Waste Water Treatment Carrier Development Servicing Plans and other contributions plans that may apply to the release area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.



MAP 1
KORORA RURAL RESIDENTIAL RELEASE AREA

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C - E}{P}$$

Where:

C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received

E = amount of available existing contributions either as cash held or levied as at 31 December 2011.

P = future population of catchment less lots approved

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to the release of the subdivision certificate.
- development consents involving building work – prior to the release of the construction certificate.
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENT

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operations of this plan; and
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) the deferment will be for a fixed period not exceeding six months from the date the contribution becomes due;
- (ii) the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding at the appropriate rate of interest.
- (iii) payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.
- (iv) deferments will not be granted based on progression sales of land, unless a staged approval is granted.

For the purposes of this provision, “appropriate rate of interest” means the seven year local government interest borrowing rate applicable from time to time, and “appropriate institution” means a licensed bank or other institution where their securities comprise authorised investments under the Trustee Act 1925

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94 (5)(B) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

Any offer for carrying out of works in kind or provision of a material public benefit must be made in writing and accepted by Council prior to commencement.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

The Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contributions plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

Transport and Population Data Centre, NSW Statistical Local Area Population Projections 2001-2031, 2007 Release assesses the 2011 population for the Coffs Harbour Local Government Area as 75,340. Further it predicts a population of 81,720 in 2016.

The Coffs Harbour Land Capacity Assessment 2004 identifies the release area as having potential for an additional 300 dwellings.

The Coffs Harbour Our Living City Settlement Strategy 2008 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities and supports the Land Capacity Assessment

Coffs Harbour City Council Open Space Strategy 2010 identifies the passive and active open space facilities required by future population throughout the local government Area.

The Korora Rural Residential Release Area DCP sets out detailed guidelines for development in the Korora rural residential release area. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings. .

PROVISION

The anticipated increase in population in the Korora Rural Residential release area will place greater demands on existing public facilities and require the provision of new public facilities to cater for the demands of the additional population.

The Korora area is typically rural/agricultural oriented. The proposal is to change this rural/agricultural focus to rural residential in nature. The result is a major change to the level of facilities, services and infrastructure required for the development.

Table 1 in this plan lists the public facilities to be provided in the Korora Rural Residential release area.

The Coffs Harbour Regional, District and Neighbourhood Facilities Developer Contributions Plan 2008 lists public facilities provided for the benefit of future population in Korora together with future population in other catchments.

LOCATION

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such need may be satisfied.

TIMING

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 1 lists the benchmark or estimated staging for the provision of public facilities in the Korora Rural Residential release area.

Any forward funding required for proposed development is to be undertaken by developers, who will be reimbursed as contributions become available.

EXISTING AND FUTURE DEVELOPMENT IN KORORA

The Korora rural residential release area comprises rural residential accommodation with single dwellings on allotments ranging from 1ha to 3 ha. Since adoption of this contributions plan contributions have been levied or collected for 94 additional allotments. Given the Coffs Harbour Land Capacity Assessment 2004's projection of an additional 300 dwellings, the remaining future development potential is 206 dwellings.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yields. These yields will be derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The housing policy promoted for the development of the Korora rural residential release area is to provide for a variety of housing types encouraging a heterogeneous population. However, environmental constraints and prevailing market conditions will create a demand for low density housing forms and conventional allotments of at least 1 hectare.

A maximum net density of 1 dwelling per hectare is achievable given the environmental constraints of the release area.

The projected dwelling yields for the area can be explained in terms of two main types of housing

- Conventional Housing - generally Torrens title allotments with single detached dwellings with an average allotment size of around 1 hectare.
- Dual Occupancy Housing - Torrens strata or community title allotments comprising a duplex or two attached dwellings with an average allotment size of around 1 hectare.

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates. The forecast occupancy rates, which are based on ABS Census data average occupancy rates, are shown in Table 2.

Table 2 - Occupancy Rates

Housing Type	Occupancy Rates
Large Dwelling	2.6 persons/dwelling
Small Dwelling	1.8 persons/dwelling
Seniors Living SEPP dwelling (self care)	1.5 persons /dwelling

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

The total projected population of the whole release area based on these occupancy rates and projected dwelling yields, is estimated to be 750. Having regard to the developments approved to date, the additional future population as at 31 December 2011 is expected to be 515 people.

PROPOSED PUBLIC FACILITIES

COMMUNITY FACILITIES AND SERVICES

The provision of community facilities under this plan are to be based on need and takes into account the provision of services and facilities by other levels of government, the private sector and other non-government providers. This plan only deals with those community facilities over which local government has direct influence. Other community facilities such as schools, hospitals, churches, private recreation facilities, clubs and the like are beyond this influence.

EXISTING FACILITIES

The two Bush Fire Brigade buildings are the only existing community facilities within the study area. The greater Korora area is serviced by other recreational and community facilities. The school hall at Kororo Public School is utilised as the community meeting place. The total population of the study area does not warrant any additional facilities.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities do not exist within the Korora study area. Within the greater Korora area (east of the Highway) there are public reserves, a playground, a sports field and picnic facilities.

Informal recreation opportunities are provided with the nearby beaches, creeks and Nature Reserve.

As the release area is characterized by rural residential allotments it is considered that informal open space is available to residents. No formal local open space is to be provided for under this plan.

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through the Release Area recognises the dependence on the motor car and therefore provides for works to accommodate the anticipated increase in traffic .

EXISTING FACILITIES

The Korora Release Area is adjacent to the Pacific Highway. The main access, within Korora, is currently provided by The Old Coast Road, Korora Basin Road, West Korora Road and Bruxner Park Road. The Roads and Traffic Authority (RTA) have indicated that in the longer term access to the Highway should be restricted to controlled intersections.

IDENTIFIED NEEDS

The transport demands within the release area can be categorised simply in terms of the road network.

Road Network

Under the DCP it is proposed that controlled intersections for access to and from the Highway be provided at Old Coast Road and Bruxner Park Road. The following works are proposed:

Bruxner Park Road

Upgrade sections of Bruxner Park Road

Installation of traffic safety measures

Estimated cost of these works is in the order of \$850,000.

Korora Basin Road/Rowsells Road:

Upgrade of intersection and first 100 metres of Rowsells Road. Estimated cost is in the order of \$200,000.

Korora Basin Road:

Minor upgrading works proposed together with the construction of a turning area at the western end. Estimated cost of the works is \$200,000

Old Coast Road (South):

Widening of two single lane bridges is proposed to enable traffic to pass in both directions. The estimated cost of these works is \$750,000.

Old Coast Road (North):

Widening and sealing of the road for the full length and installation of traffic safety measures to ensure a more trafficable road exists to cater for the increased population. A proportion of these works have been completed. The estimated cost to carry out the remaining work is \$950,000.

Finlays Road

Bridge upgrade works plus widening of the road. Installation of signage at "T" intersection with Korora Basin Road. The cost of the works is estimated to be \$187,500.

Transfer of Crown Lands

Many properties obtain access via a network of crown land parcels which are defined as windbreaks and crown roads. These parcels have been transferred to council as public roads. These roads have been added to Council's unmaintained road register. Any upgrading of these roads will be purely the responsibility of the developer/landowner.

The cost of survey and registration of the transfers is \$35,000. This has been paid from contributions collected to date.

PROPOSED FACILITIES

The following table summarises the future traffic facilities, which will be funded using Section 94 contributions.

Bruxner Park Road	\$850,000
Korora Basin Road/Rowsells Road intersection	\$200,000
Finlay's Road	\$187,500
Korora Basin Road	\$200,000
Old Coast Road (south)	\$750,000
Old Coast Road (north)	\$950,000
Design/Supervision @15%	\$470,625
Contingencies @15%	\$470,625
TOTAL	\$4,078,750

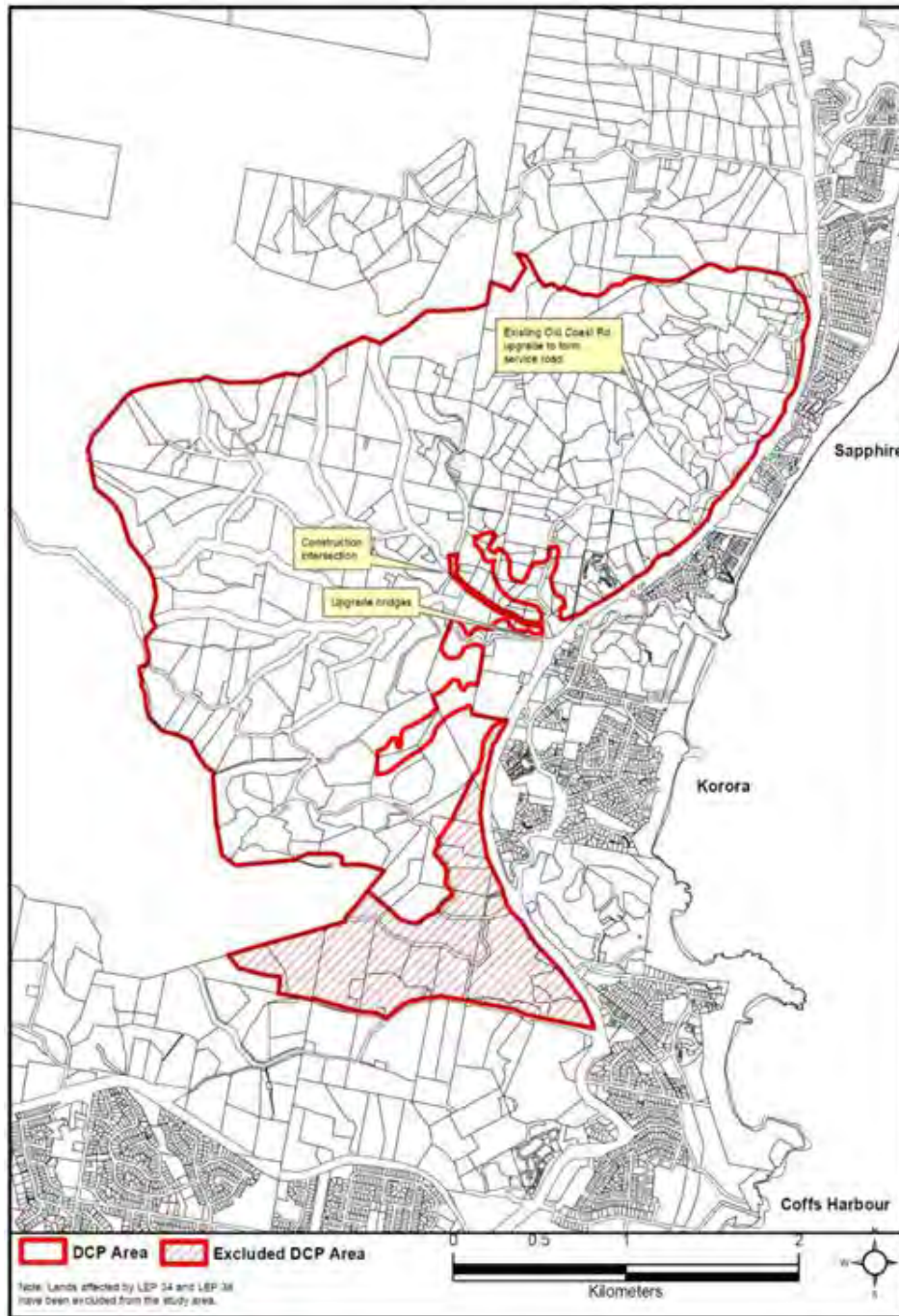
CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

$$\text{Contribution rate} = \frac{C - E}{P}$$

C = Cost of community facility
 P = Expected additional population
 E = amount of existing contributions either held or levied as at 31 December 2012.

$$\begin{aligned} C &= \$4,078,750 \\ P &= 515 \\ E &= \$684,089 \\ &= \frac{\$4,078,750 - \$684,089}{515} \\ &= \$6,591.57 \text{ per person} \end{aligned}$$



MAP 3
TRAFFIC AND TRANSPORT STRATEGY

URBAN PLANNING

PLANS AND STUDIES

Section 94 of the Environmental Planning and Assessment Act allows the recoupment of costs for the preparation of the DCP, this Contribution Plan and associated studies. The cost of studies and the plan, which have been indexed in accordance with the provisions of the EP&AA Regulations, are as follows:

Flora and Fauna Study	\$41,392
Water Quality Study	\$61,935
Road & Traffic Study	\$57,950
Mapping	\$41,392
Development Control Plan	\$103,941
TOTAL	\$306,610

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for urban planning:

$$\text{Contribution rate} = \frac{C - E}{P}$$

C = Cost of studies/plans
 P = Expected additional population
 E = Amount of existing contributions either paid or levied as at 31st December 2011 plus contributions expended to date

$$= \frac{\$306,610 - \$88,908}{515}$$

$$= \$422.72 \text{ per person}$$

BUSHFIRE

The two existing Bush Fire Brigade units in the release area will require additional equipment and an upgrade to the vehicles provided. This is to enable an appropriate service to be developed in conjunction with the additional rural residences.

The following formula is used to calculate the contribution rate for bushfire equipment:

$$\text{Contribution rate} = \frac{C - E}{P}$$

C = Cost of equipment
 P = Expected additional population
 E = Amount of existing contributions either paid or levied as at 31st January 2006

$$= \frac{\$120,000 - \$40,516}{515}$$

$$= \$154.34 \text{ per person}$$

WORKS SCHEDULE

The works schedule detailed below outlines the projected staging of works in anticipated order of commencement. The works schedule may be subject to change, subject to development growth patterns, and funding.

Completed Works

Part Upgrade Old Coast Road North \$821,590

Future Works

Complete upgrade of Old Coast Road North	\$950,000
Upgrade Korora Basin Road	\$200,000
Upgrade Intersection Korora Basin and Rowsells Road	\$200,000
Upgrade Old Coast Road South	\$750,000
Upgrade Finlays Road	\$187,500
Upgrade Bruxner Park Road	\$850,000
Bushfire Equipment	\$120,000
TOTAL ESTIMATED COST	\$4,079,090

NOTE: Overall timing of works is dependant upon receipt of contribution funds

APPENDIX A - INDICES

CONTRIBUTION TYPE	INDEXATION BASIS	INDEX	DATE APPLIED
Roads/Traffic Management	Consumer Price Index – All Groups (A) for Sydney	178.7	31-12-2011
Planning Studies	Consumer Price Index – All Groups (A) for Sydney	178.7	31-12-2011
Fire equipment	Consumer Price Index – All Groups (A) for Sydney	178.7	31-12-2011

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET Section 94 Contribution Plans	Unit Rate per ET Water DSP	Unit Rate per ET Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
		0.65 per 100m2	0.65 per 100m2
Office Premises	N/A	GFA	GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
		0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	(admin area)	(admin area)
		Determined on	Determined on
Car Wash	N/A	Application	Application
		Determined on	Determined on
Plant nursery	N/A	Application	Application
Service Station	N/A	0.6 per lane	0.6 per lane
		Determined on	Determined on
Car Sales Showroom (indoor)	N/A	Application	Application
		Determined on	Determined on
Car Sales Showroom (outdoor)	N/A	Application	Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
Section 94			
Contribution			
CLASSIFICATION	Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000

Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 6

MOONEE RELEASE AREA

Developer Contributions
Plan 2013

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Date of Commencement of the Plan.....	1
Summary of Contribution Rates	2
Summary of Works Schedule	3

PART 2 - ACCOUNTING AND ADMINISTRATION

Name of the Plan	4
Purpose of the Plan.....	4
Area to which the Plan Applies.....	4
Relationship to other Plans and Policies	4
How the Plan Operates.....	4
Formula for Determining Contributions	6
Timing of Payment of Contributions	6
Deferred or Periodic Payment	6
Works in Kind	7
Polling of Funds	7
Exemptions	7
Review of Contribution Rates.....	7

PART 3 - STRATEGY PLANS

Relationship Between Expected Development and Demand for Additional Public Facilities.....	8
Causal Nexus.....	8
Physical Nexus.....	9
Temporal Nexus.....	9
Existing and Future Development in Moonee	9
Proposed Public Facilities.....	10
Open Space, Recreation and Conservation Management	11
Transport and Traffic Management	17
Stormwater Management	22
Urban Planning	22

APPENDIX

A Indexing Factors for Proposed Works.....	23
B Standard Equivalent Tenement Figures	24

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The Moonee Development Control Plan makes provision for further residential expansion in the order of 1,686 additional dwellings accommodating 4,558 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- open space and recreational facilities
- transport and traffic facilities
- conservation protection
- community facilities

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the contribution rates applying to the different forms of development in Moonee. Appendix "B" includes additional contribution rates that apply to various other forms of development.

Table 2 summarises the costs of the identified public facilities.

DATE OF COMMENCEMENT OF THE PLAN

The Moonee Developer Contributions Plan came into operation on the 22 September 2004. The Plan was amended on 24 August 2005, 7th May 2007, 24th April 2008 and further amended on XX/XX/XXXX

This plan supersedes all Section 94 levies included in the previous Moonee Release Area Contributions Plan, which came into effect on 24th April 2008.

Table 1 – Summary of Contributions

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot/or Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Community Facilities	1,100,000	243.85	682.78	438.93	365.77
District Open Space	7,638,611	1,633.93	4,575.00	2,941.07	2,450.90
Local Open Space	1,830,265	405.25	1,134.70	729.45	607.87
Traffic Facilities	14,395,148	3,299.43	9,238.40	5,938.97	4,949.14
Stormwater Management	60,000	10.22	28.62	18.40	15.33
Urban Planning	188,370	40.75	114.09	73.34	61.12
Total Section 94	25,212,394	5,633.43	15,773.59	10,140.16	8,450.13
Northern Road Catchment Area					
Local Traffic Facilities	3,060,697	1,436.95	4,023.45	2,586.50	2,155.42
Total Section 94	28,273,091	7,070.38	19,797.04	12,726.66	10,605.55

Notes:

1. *In addition to the above, the relevant contribution rates in the Coffs Harbour Regional, District, and Neighbourhood Facilities and Services Contributions Plan, the Coffs Harbour Road Network Contributions Plan, the Surf Rescue Equipment Contributions Plan, the Coffs Harbour Water Supply and Wastewater Developer Services Plans and other contribution plans will also apply.*
2. *Contribution rates will be applied as follows:*
 - *the first lot in a residential subdivision is exempt from contributions*
 - *the first dwelling on a residential lot is exempt from contributions*
 - *the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.*
3. *A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*
4. *The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony area).*
5. *SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004*
6. *Additional contribution rates for various other types of development are included in this plan at appendix "B"*

Table 2 - Schedule of Works, Commencement, Staging and Expenditures

Works Required	Estimated Capital Cost \$	Benchmark/Estimated Staging
District Transport Facilities - Construction - Cycleways/Pathways - Bus Shelters	\$14,395,148	As demand dictates. Works commenced in Moonee Beach Road. Anticipate collector road construction will commence from Moonee Beach Road north and from Split Solitary Road north within the next 2-3 years.
Local Transport Facilities	\$3,060,697	As demand dictates
Open Space: District - Land acquisition (incl. Interest) - Embellishment Local - Land Acquisition - Embellishment	\$5,638,211 \$2,000,400 \$1,049,265 \$781,000	As funds becomes available As funds becomes available
Development Studies	\$188,370	Majority of studies completed. Others will occur as development is undertaken
Stormwater Management	\$60,000	As funds become available
Community Facilities	\$1,100,000	Land in Council ownership Construction as funds become available

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 2000 and may be referred to as the Moonee Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services and facilities that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided throughout the catchment as development occurs;
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development;
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development;
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Moonee area.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within the Moonee Area as shown in Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supersedes all Section 94 levies included in the previous Moonee Release Area Contributions Plan, which came into effect on 24 April 2008.

The plan supplements the Coffs Harbour City Local Environmental Plan 2000 and Development Control Plan applying to the Moonee Area.

This contributions plan should be read in conjunction with the Coffs Harbour Regional, District and Neighbourhood Facilities and Services Contributions Plan, the Surf Rescue Facilities Plan, the Coffs Harbour Road Network Plan and the Coffs Harbour Water Supply and Wastewater Developer Services Plans 2013 (Section 306 (3) of the Water Management Act, 2000) and other contribution plans that may apply to the Moonee Area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.



MAP 1 - LOCALITY

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

$$\text{Contribution per person} = \frac{C - E + I}{P}$$

Where:

- C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received
- I = Interest on forward funded works
- P = future population of catchment
- E = Amount of contributions levied or collected to date.

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan;
- development consents involving building work – prior to the release of the construction certificate;
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) The deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

EXEMPTIONS

Council may consider exempting developments, or components of

developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

- RC = Revised contribution rate per ET applicable at the time of payment
- C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

Council will also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan periodically.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Urban Development Strategy 1996 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Draft "Our living City" Settlement Strategy which is currently being prepared establishes the level of existing development and estimates a population of around 100,000 in Coffs Harbour by the year 2030. The estimates are based on occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour City Local Environmental Plan 2000.

Coffs Harbour Sewerage Strategy 2000 identifies areas to be serviced by reticulated sewerage to the year 2021.

Coffs Harbour City Council Community Services Plan 1998 specifies the community facilities required by future development.

Coffs Harbour City Council Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

Coffs Harbour Vegetation Strategy (draft) identifies the primary threat to native vegetation and biodiversity loss within the coastal area is from urban growth and recommends Section 94 be used in urban release areas to protect and purchase areas of significant vegetation.

Coffs Harbour Vegetation Conservation Development Control Plan (Draft) identifies high and very high value vegetation.

The Moonee Development Control Plan 2004 sets out detailed guidelines for development in the Moonee Release Area. It provides for residential development with the dominant form being detached dwellings.

CAUSAL NEXUS

The anticipated increase in population in the Moonee Release Area will place greater demands on existing public facilities and will require the provision of new public facilities that are not currently available in the Moonee area

Table 1 in this plan lists the public facilities to be provided in the Moonee catchment.

The Coffs Harbour Regional, District and Neighbourhood Facilities and Services Plan lists public facilities provided for the benefit of future population in Moonee together with future population in other catchments.

The Coffs Harbour Water Supply Development Services Plan 2003 and Wastewater Treatment & Carrier System Development Services Plan 2003 lists the water and sewerage requirements for new development in Moonee.

Other Contribution Plans may also apply to the Moonee catchment.

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities, and the manner in which such needs may be satisfied.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 2 lists the benchmark or estimated staging for the provision of public facilities in the Moonee Release Area.

EXISTING AND FUTURE DEVELOPMENT IN MOONEE

Moonee generally comprises residential accommodation with single dwellings on allotments ranging from 700m² to 20.25ha. The existing population and approved developments is approximately 1451 people.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yield. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The projected dwelling yield for Moonee can be explained in terms of three types of housing:

- Conventional Housing - generally Torrens title allotments with single detached dwellings with an average allotment size of around 550m² or less.
- Dual Occupancy Housing - Torrens strata or community title allotments comprising duplexes or two detached dwellings with a minimum allotment size of 400m².

- Integrated Housing – Community title allotments comprising a mix of detached and attached dwellings with an average allotment size of around 400m².
- Medium Density Housing – Torrens strata or community title allotments comprising multi-unit housing with a density of about one dwelling per 250m².

OCCUPANCY RATES

The forecast occupancy rates are shown in Table 3.

Table 3 - Occupancy Rates

Housing Type	Occupancy Rates
Large Dwelling	2.8 persons/dwelling
Small Dwelling	1.8 persons/dwelling
Seniors Living SEPP Developments (self care)	1.5 persons/dwelling

The total future projected population of Moonee based on these occupancy rates and projected dwelling yields, allowing for developments approved to date, is shown in Table 4.

Table 4 - Population Projection

Housing Type	*Occ Rate	No. of Dwellings	Pop'n
Large Dwelling	2.8	1,313	3,676
Small Dwelling	1.8	62	112
Seniors Living SEPP Developments (self care)	1.5	To be determined	
Total		1,375	3,788

*Occupancy Rate

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

A large dwelling is deemed to be any dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 5,239 persons. This includes an existing population and approved developments catering for approximately 1,451 people and an additional population of 3,788 to be accommodated in the release area.

The population profile of the release area is initially anticipated to reflect a “developing” population model. This developing population, coupled with the existing population, is expected to have the following age characteristics:

Table 5 - Population

Age	%
0-9	13.2
10-19	17.8
20-29	5.5
30-39	11.8
40-49	19.8
50-59	13.0
60+	18.9
Total	100.0

The population is expected to have a high proportion of young families with persons of pre-school age (0-4 years), school age (5-19 years) and young to middle age adults (30-49 years).

PROPOSED PUBLIC FACILITIES

COMMUNITY FACILITIES AND SERVICES

The provision of community facilities under this plan is to be based on need and takes into account the provision of services and facilities by other levels of government, the private sector and other non-government providers. This plan only deals with those community facilities provided by local government.

Residential development in Moonee will generate a demand for a multi-purpose complex and associated infrastructure.

There is an existing community hall within the Moonee Beach Recreation Reserve. However this facility is unlikely to meet the future needs of the community.

IDENTIFIED NEEDS

The community service needs identified are based on the population profile and standards derived from the Coffs Harbour Social Plan. This represents the nexus between service demand and provision. These community service needs relate to the community wellbeing, development and information and are to be provided to meet the changing demands of the community as the population profile changes. Accordingly, the plan seeks to provide facilities that are flexible in order to meet changing demands in both spatial and functional terms.

Proposed Facilities

To meet the needs outlined above it is proposed to establish a centrally located neighbourhood community centre, which can operate as a multi-purpose centre. These facilities will include a building providing for community meetings/functions, including outdoor facilities, car parking and landscaping.

The cost of this facility is estimated to be \$1,100,000

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C-E}{P} \\ &= \frac{1,100,000 - 176,299}{3,788} \\ &= \$243.85 \text{ per person} \end{aligned}$$

OPEN SPACE: RECREATION AND CONSERVATION MANAGEMENT

EXISTING FACILITIES

Existing formal open space and recreation facilities are limited within Moonee. Within the Moonee Reserve there is a playground, tennis court and picnic facilities.

Informal recreation opportunities are provided with the nearby beach, creek and Nature Reserve.

Existing conservation areas are located within the Moonee Creek Reserve, Moonee Nature Reserve, Moonee Creek Estuary including Skinners Creek, Cunninghams Creek and Sugar Mill Creek, Moonee and Mid Sapphire Beach, Green Bluff Headland, Orara East State Forest, and public land in Parish Close.

IDENTIFIED NEEDS

On the basis of this population model, it is anticipated that a preference for structured sporting facilities, passive recreation and neighbourhood parks/ playgrounds will exist. In relation to conservation management, urban growth is the primary cause of native vegetation loss within the coastal area of Coffs Harbour.

To achieve sustainable urban growth, there is a need to ensure natural areas are protected and managed for conservation.

Open space facilities can be considered at a regional, district and local level.

Regional

Regional sporting facilities and passive recreation areas cater for users prepared to travel to significant distances from within and outside the Coffs Harbour local government area.

Sporting facilities and passive recreation areas in the vicinity of Moonee include the Coffs Coast Sport and Leisure Park, North Coast Regional Botanic Garden, Brelsford Park and Jetty Foreshores.

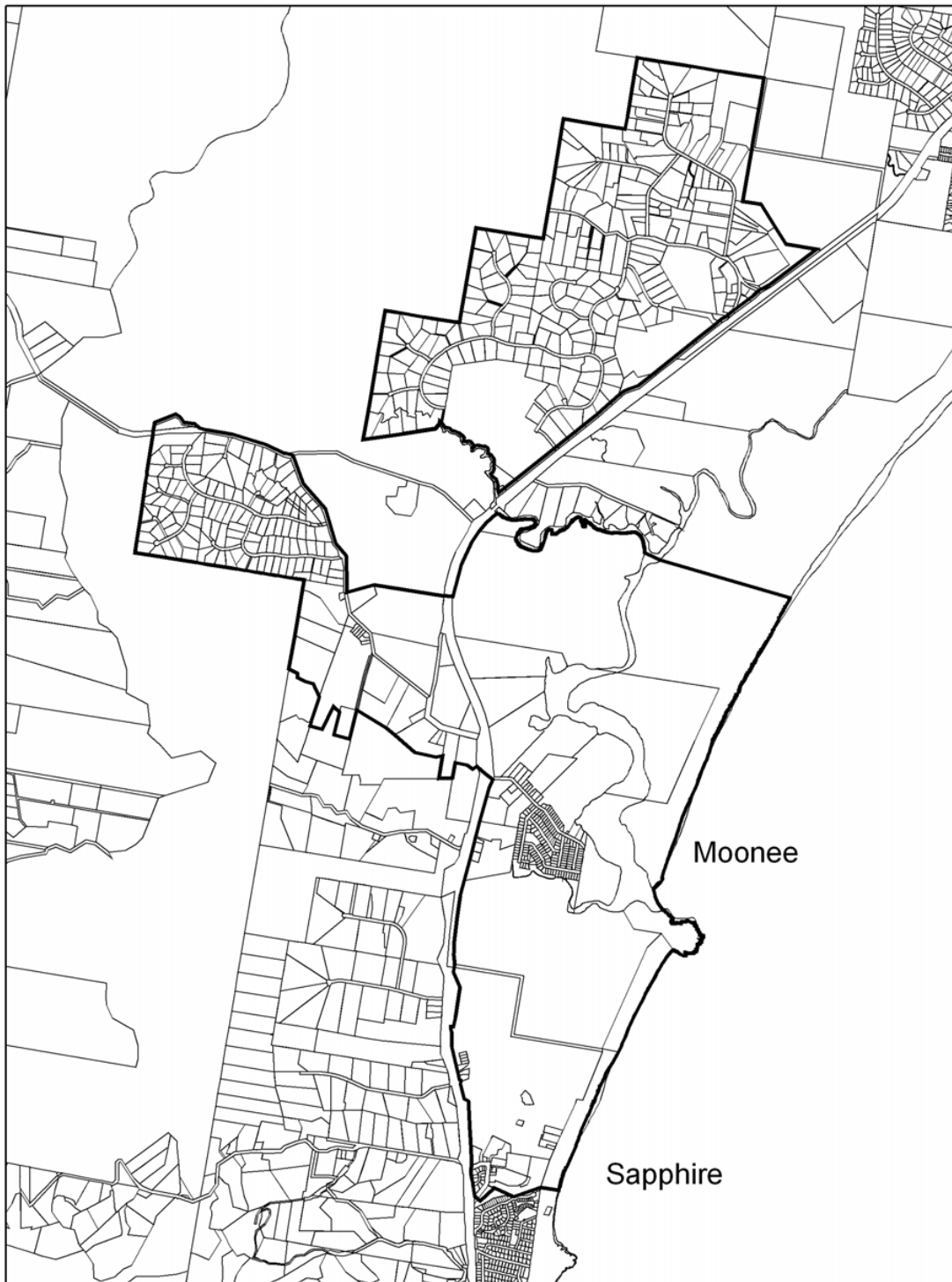
Regional conservation management land are iconic areas within the coastal strip that provide core conservation outcomes for protecting biodiversity and achieving a sustainable urban form. These lands form a vast network of conservation areas, many of which are linked with regional open space areas that provide for passive recreation and nature conservation.

Regional conservation management land in the vicinity of Moonee include Moonee Nature Reserve, Lower Moonee Creek Estuary, and Moonee and Mid Sapphire Beaches. Many of these provide for local conservation management needs.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities. The primary use of these lands will be for organized recreation by residents of the Moonee area.

A new district sporting facility is proposed to be provided on land in Hoys Road/Old Bucca Road. This will serve the proposed new population.



Map 2
District Open Space

This is a substantial addition to the existing population, and this new district facility would not be required if this substantial population growth were not to occur.

Contributions have been levied on Heritage Park Estate and Forest Glen Estate and these funds are held for the acquisition and embellishment of District Open Space facilities. While the current district population will benefit from this facility, they had previously been catered for through district facilities in Coffs Harbour and Woolgoolga.

Council's Open Space Strategy includes standards for the provision of district sporting facilities. These standards provide a benchmark for provision of district facilities within the Release Area and are described in Table 6.

Table 6 - District Open Space Standards

Sporting Code	Standard Facility: Population
Cricket	1:3,000
League	1:4,000
Soccer	1:3,000
Tennis	1:2,000
Baseball	1:10,000
Aust. Rules	1:10,000
Netball	1:2,000

To meet these needs it is proposed to provide a centralized complex to take advantage of economies of scale.

Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

Map 2 identifies the catchment to be served by the District Open Space facilities.

Proposed Facilities

It is proposed to centralize the district sporting facilities to maximize land efficiency and reduce embellishment costs through the shared use of car parks and other facilities. The area selected for the district sporting facilities is shown in Map 3 and represents a central location within reasonable proximity to the proposed school site. This Plan provides for interest on loans provided for the acquisition of the Active Open Space land.

A district park is also proposed on land adjacent to the existing shopping centre site. This facility will provide for the passive recreational needs of residents.

The identified works and facilities needed for the district sporting facilities include:

- access
- car parks
- amenities blocks
- irrigation and sub-surface drainage
- lighting
- earthworks/topsoil/turfing
- prepared courts
- landscaping
- pedestrian paths
- cycle links
- furniture and signs.

Proposed works on the district park include:

- access
- car parks
- youth space
- picnic facilities
- playground
- landscaping
- furniture and signs.

District Facilities

District Sportsground:	
Earthworks	\$168,000
Subsurface Drainage	\$352,000
Training Lights	\$69,000
Amenities	\$250,000
2 cricket wickets	\$16,000
Parking	\$115,000
Roads	\$115,000
3 Tennis Courts	\$138,000
Tennis Parking	\$29,000
total	\$1,252,000
Design/contingencies (20%)	\$250,400
Land acquisition and interest on borrowings	\$5,638,211
Total	\$7,140,611

District Park	
Youth Space	\$120,000
Playground	\$90,000
Gazebo x 3 small	\$45,000
Picnic and BBQ	\$30,000
Toilet facilities	\$100,000
Car Park and Access	\$50,000
Taps/bubblers	\$5,000
Bins	\$1,000
Fencing	\$5,000
Lighting	\$5,000
Electrical Work	\$5,000
Landscaping	\$30,000
Earthworks	\$10,000
Signage	\$2,000
Total	\$498,000

The following formula is used to calculate the contributions rate for District Open Space facilities/ services:

$$\text{Contribution rate} = \frac{C - E}{P}$$

C = Cost of community facility/service
 P = Expected population
 E = Amount of contributions levied or collected to date.

$$C - E = \frac{\$7,638,611 - 1,449,287}{3,788}$$

= \$1,633.93 per person

Local

Local open space is land used primarily for localized recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

Proposed facilities

Map 3 illustrates the proposed locations of neighbourhood park sites which will provide facilities to meet the demand generated based on spatial distribution and accessibility. This Plan provides for four playgrounds that will be required to meet the needs of the community.

Local conservation management land primarily provides a localized conservation purpose. It allows unconstrained urban land to be developed while significant natural areas are retained. It also provides for protection of regional conservation areas, buffering of the sensitive Moonee Creek Estuary from urban impacts, particularly from stormwater, and provides a high amenity value and scenic landscape setting for future residents.

Neighbourhood parks are to be located adjacent or within areas set aside for general open space purposes or community purposes.

The minimum works required for neighbourhood passive open space coastal reserves are:

- walk in boat launch and car park
- playground equipment;
- picnic and bbq facilities;
- car parking;
- beach accessways;
- dune fencing; and
- showers.

The plan also provides for street tree planting along sections of the collector road.

Boat Ramp Facility	
Boat launching facility	\$35,000
Car Park	\$30,000
Gazebo	\$15,000
Playground	\$70,000
Picnic Tables, BBQ facilities	\$20,000
Toilet Facilities	\$80,000
Landscaping	\$20,000
Total	\$270,000

Local Facilities	
Neighbourhood Playground (4)	
Mix of junior and senior playgrounds	\$70,000
Gazebo	\$15,000
Taps/bubblers	\$2,500
Fencing	\$5,000
Lighting	\$5,000
Signage	\$2,000
Landscaping	\$20,000
Total (each)	\$119,500
Total (4 playgrounds)	\$478,000

Street Trees (4407m)	\$33,000
Land purchases	\$1,049,265
Total Facilities Costs	\$1,830,265

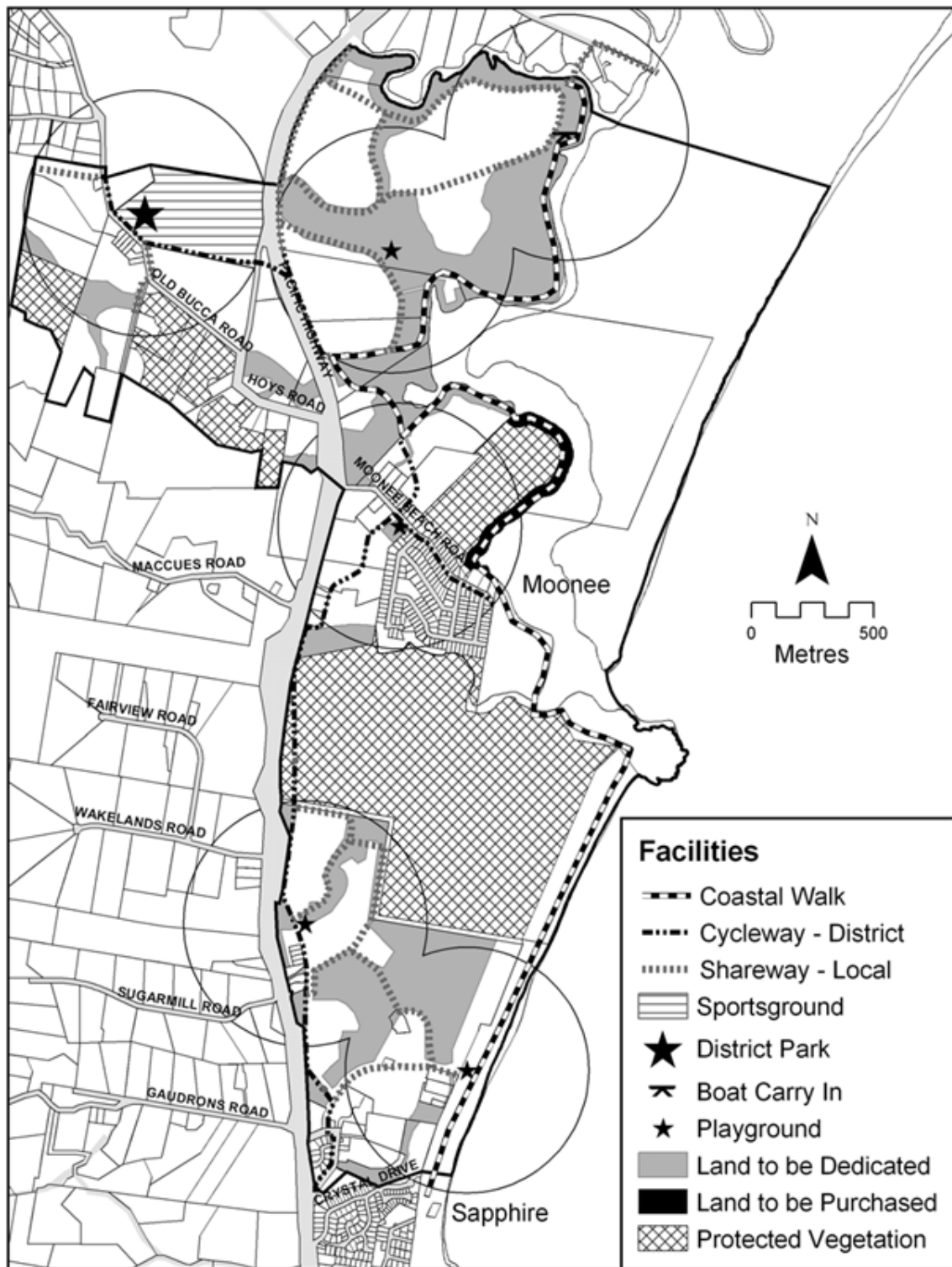
CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contributions rate for Local Open Space facilities/ services:

$$\text{Contribution rate} = \frac{C - E}{P}$$

C = Cost of community facility/service
 P = Expected population
 E = Amount of contributions levied or collected to date.

$$\begin{aligned}
 C - E &= \frac{\$1,830,265 - 295,176}{3,788} \\
 P &= \\
 &= \$405.25 \text{ per person}
 \end{aligned}$$



Map 3
Open Space Network

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through Moonee recognizes the dependence on the motor vehicle, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for an efficient bus service.

EXISTING FACILITIES

The Moonee Release Area is bisected by the Pacific Highway. Access to the east is provided by Moonee Beach Road and to the west by Hoys Road – Old Bucca Road. The Roads and Traffic Authority (RTA) have indicated that in the longer term access to the Highway should be restricted to grade separated intersections.

IDENTIFIED NEEDS

The transport demands within the release area can be categorized in terms of the road network, public transport and pedestrian/bicycle network.

Road Network

Under the DCP it is proposed that the RTA fund and construct upgraded intersections for access to and from the Highway at Moonee Beach Road and at Split Solitary Road. A Collector Road is proposed connecting the northern and southern urban areas that are on the eastern side of the Highway. On the western side of the Highway it is proposed to upgrade Hoys Road/Old Bucca Road to service this urban area, including access to the school site and playing fields.

District Facilities

This contribution plan provides for the development of sections of the collector road and associated traffic management measures. The collector road is to be of an 11 metre standard width. Development adjacent to the collector road will be required to fund a fully constructed 8m carriageway with the additional 3m of carriageway to be funded from contributions. 15% of value of the land required for this portion of the collector road will be funded from contributions based on the need for the road reserve being increased from 17 metres for local roads to 20 metres wide for the collector road.

Where development does not directly adjoin the collector road, full cost of construction of the collector road, together with associated land costs, will be funded by contributions. Map 4 identifies those sections of the collector road and associated infrastructure (culverts etc) to be fully funded by contributions.

Road construction will require actual construction shown in Map 4. Local roads will be at the expense of the developer including perimeter roads required for bushfire protection.

To reduce traffic conflict, traffic management measures will need to be provided at various intersections with the collector road (refer Map 4).

Local Facilities

Development north of Moonee Beach Road and to the east of the Pacific Highway will be required to pay a local contribution towards the construction of the collector road and associated infrastructure (culverts etc) from Moonee Beach Road to the southern boundary of lot 1 DP 725785. 85% of the cost of land acquisition for this section of the collector road will be funded from contributions. The catchment is shown in Map 4.

Culvert No.	Size	Estimated Cost \$	Approach Earthworks \$	Total \$
1	1 x 1500 Reinforced Concrete Pipe	27,000	14,000	41,000
2	4 x 2.1mx1.8m Reinforced Concrete Box Culvert	98,000	29,000	127,000
3	6 x 2.1mx1.8m Reinforced Concrete Box Culvert	164,000	43,000	207,000
4	2 x 2.1mx1.8m Reinforced Concrete Box Culvert	45,000	34,000	79,000
5	7 x 2.1mx1.8m Reinforced Concrete Box Culvert	159,000	43,000	202,000
6	2 x 2.1mx1.8m Reinforced Concrete Box Culvert	45,000	34,000	79,000
7	7 x 2.1mx1.8m Reinforced Concrete Box Culvert	159,000	43,000	202,000
TOTAL				\$937,000

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those less than 17 years of age. Opportunities for public transport within the release area are currently limited to the provision of a bus service.

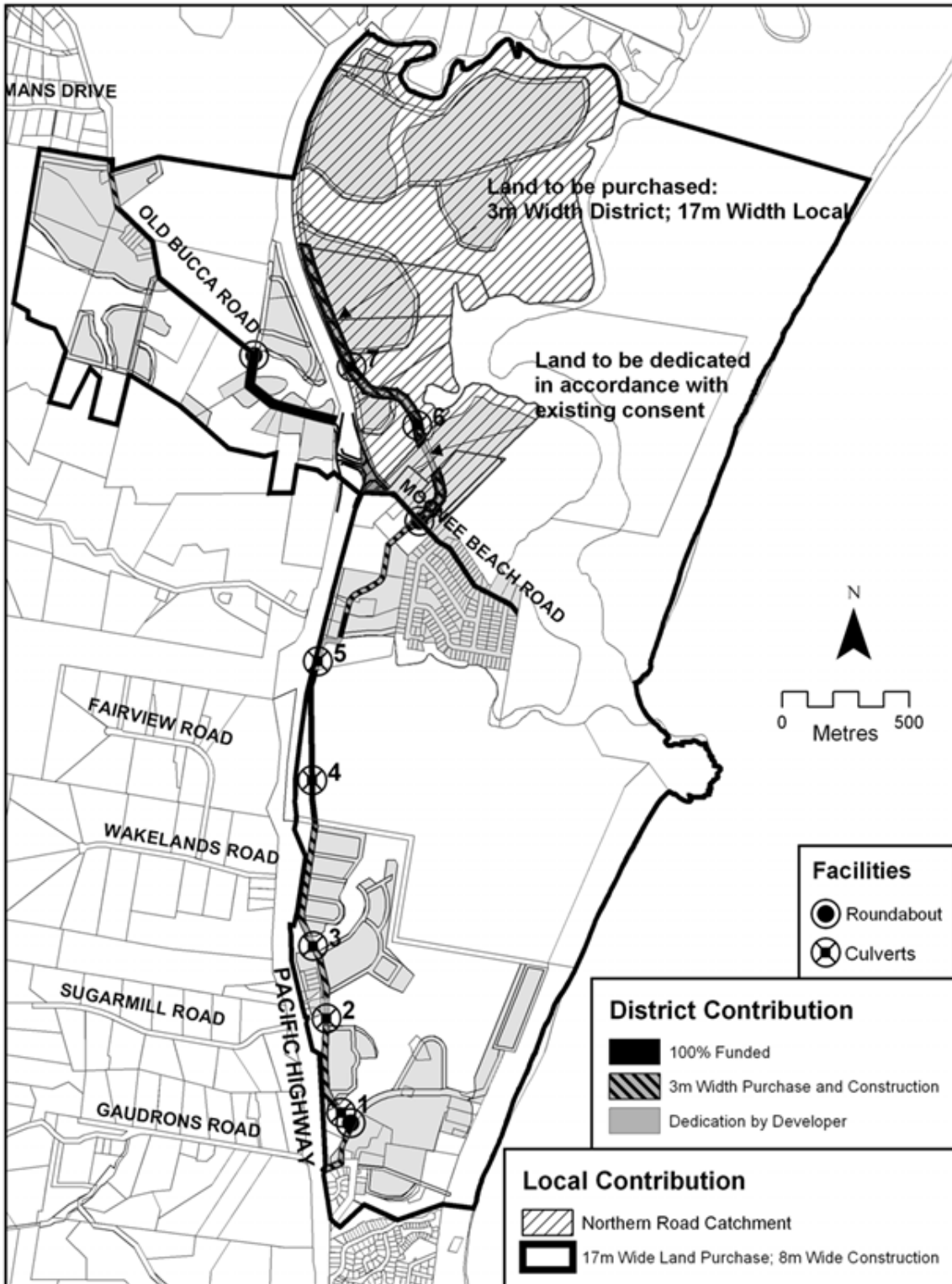
To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters, seats and bus bays. Bus bays are to be included in the cost estimates for the collector road. It is proposed to provide bus shelters/seats at each bus stop. A total of 18 shelters will be provided, as shown in Map 5.

Pedestrian and Bicycle Ways

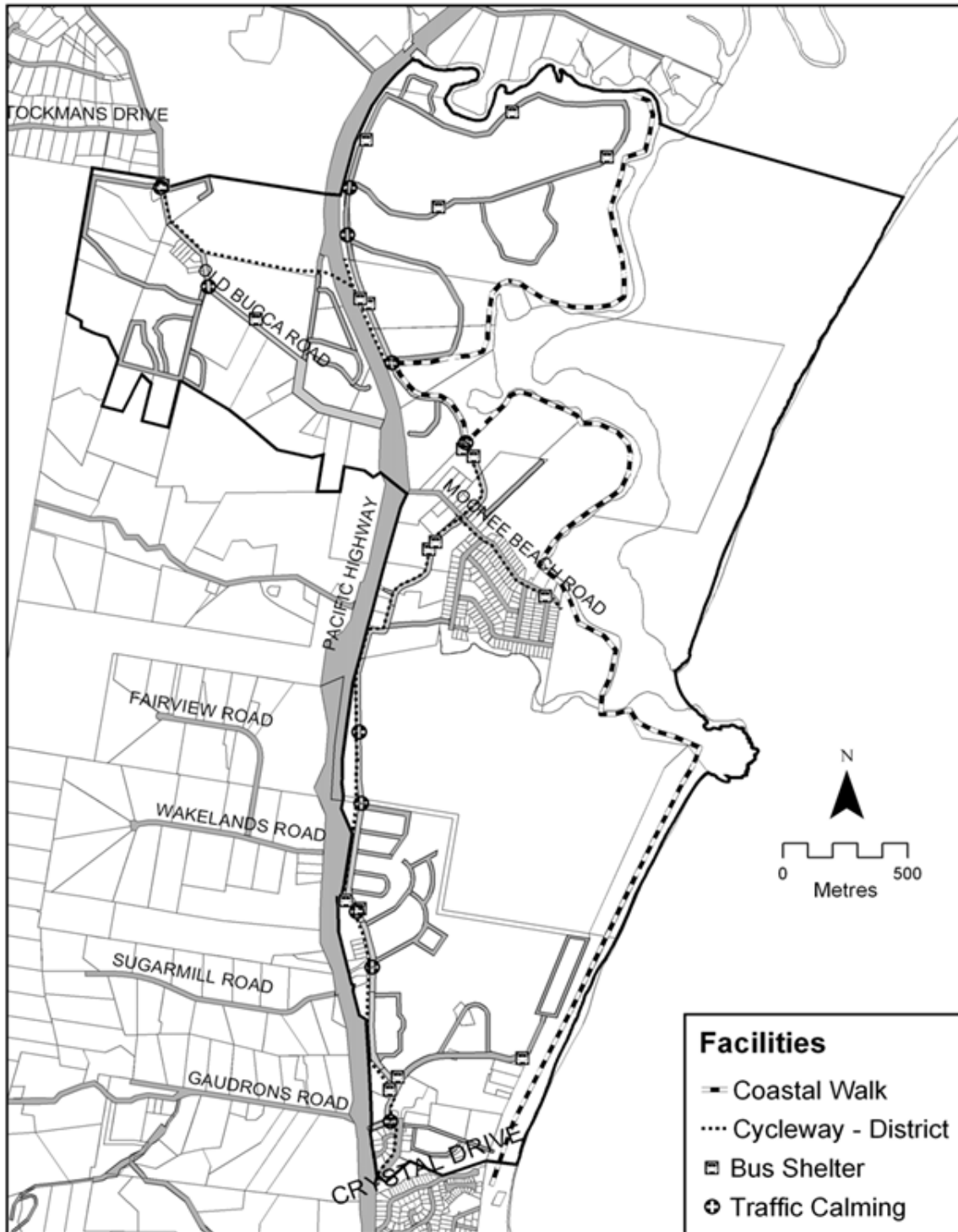
The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys. The proposed routes are identified in Map 5 and have been designed to relate to the need for access to the school site, recreation facilities and shops. These facilities will provide a link for the Coastal Walk and northern beaches cycleway.

Pedestrian and cycle routes are to be shared with vehicles on low order local roads and off-road footpaths/cycleways on the collector roads.

A pedestrian/cycleway bridge over the Pacific Highway, linking to the school and playing fields is required to separate vehicle traffic from school children on bicycles. This bridge is to be funded through this contribution plan.



MAP 4
TRAFFIC MANAGEMENT



MAP 5
TRANSPORT MANAGEMENT

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities, which will be funded using Section 94 contributions on the basis of the local and district facilities.

DISTRICT FACILITIES

Collector Roads	
Full construction 11m wide with bioretention/grass swale drains 745m @ \$1,595	\$1,188,275
Culverts 2 @ estimated cost	\$281,000
Part construction of collector road 11m wide with bioretention/grass swale drains 3526m @ \$1,595 x 27.3%	\$1,502,251
Part construction of culverts 5 @ estimated cost x 27.3%	\$178,815
Reconstruction Old Bucca/ Hoyo Road with bioretention up to southern boundary of lot 2 DP 748506	\$1,155,875
Reconstruction Moonee Beach Road per quote	\$1,280,000
Reconstruction of Split Solitary Road 81m @ \$1,595	\$129,195
Traffic Management	
Roundabouts 3 x \$620,000	\$1,860,000
Traffic Calming/cycleway crossovers 14 x \$25,000	\$350,000
Land Acquisition	
Collector Road variable width of road reserve @ valuation	\$472,182
Route Lighting 6733m @ \$35	\$235,655
District Cycleway 6110m @ \$180	\$945,000
Coastal Walk 3608m @ \$180 x 80%	\$519,552
Pedestrian Bridge over Skinners Creek	\$125,000
Pedestrian/cycleway bridge over Highway	\$500,000
Bus Shelters 18 x \$9,000	\$162,000
Total Works	\$10,884,800
15% Design and Supervision	\$1,632,720
15% Contingencies	\$1,877,628
Total Cost	\$14,395,148

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

$$\text{Contribution Rate} = \frac{C - E}{P}$$

C	=	Cost of community facilities
P	=	Expected population
E	=	Amount levied or collected to date
C	=	<u>\$14,395,148 - \$1,896,897</u>
P	=	3,788
	=	\$3,299.43 per person

Local Facilities	
Part construction of collector road 1,309m @ \$1,595 x 72.7%	\$1,517,871
Land Acquisition	
Collector Road 20m wide road reserve wide @ 85% of valuation	\$592,169
Part construction 2 culverts estimate (\$281,000) x 72.7%	\$204,287
15% Design and Supervision	\$247,149
15% Contingencies	\$399,221
Total Cost	\$3,060,697

$$\text{Contribution Rate} = \frac{C}{P}$$

C	=	Cost of community facilities
P	=	Expected population
C	=	<u>\$3,060,697</u>
P	=	2,130
	=	\$1,436.95 per person

STORMWATER MANAGEMENT

EXISTING FACILITIES

Stormwater drainage infrastructure has not been established for the existing village area.

The Moonee Creek Catchment area contains four sub-catchments: Moonee Creek, Skinners Creek, Cunninghams Creek and Sugar Mill Creek. The Moonee Creek Catchment has an area of 42km² and contains urban, rural residential, agricultural and forestry uses.

IDENTIFIED NEEDS

Water Quality

Modelling of the catchment was undertaken to identify measures to achieve water quality objectives set out in Council's Urban Stormwater Management Plan.

The modelling identified the need to apply water sensitive urban design best practice for all development, together with substantial buffering of all watercourses. In addition an education strategy was identified as means to assist achievement of water quality objectives.

Buffer areas are to be purchased as part of the open space conservation management facilities.

This contribution plan only provides for the education strategy.

PROPOSED FACILITIES

Water Quality

Education Strategy	\$60,000
--------------------	----------

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

$$\text{Contribution Rate} = \frac{C - E}{P}$$

C = Cost of studies/plans
 P = Expected population
 E = Amount levied or collected to date

$$C = \frac{\$60,000 - 21,276}{3,788}$$

$$= \$10.22 \text{ per person}$$

URBAN PLANNING

PLANS AND STUDIES

Section 94 of the Environmental Planning and Assessment Act allows the recoupment of costs for the preparation of the DCP, this Contribution Plan and associated studies.

The cost of studies and the plan is as follows:

Flora and Fauna Study	\$6,870
Soil and Water Management Plan	\$16,500
Studies for Collector Road (acid sulfate, flora and fauna)	\$50,000
Mapping	\$30,000
Development Control Plan	\$25,000
Estuary Management Plan	\$40,000*
Bushfire Management Plan	\$20,000
	<u>\$188,370</u>

* Total cost \$70,000 part funded by DIPNR.

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for urban planning.

$$\text{Contribution Rate} = \frac{C - E}{P}$$

C = Cost of studies/plans
 P = Expected population
 E = Amount levied or collected to date

$$= \frac{\$188,370 - 34,027.24}{3,788}$$

$$= \$40.75 \text{ per person}$$

APPENDIX A - INDEXING FACTORS FOR FUTURE WORKS

Contribution Type	Indexation Basis	Index	Date Applied
Traffic Facilities	Consumer Price Index – All Groups (A) for Sydney	156.1	30/9/2006
Community facilities	Consumer Price Index – All Groups (A) for Sydney	156.1	30/9/2006
Open Space	Consumer Price Index – All Groups (A) for Sydney	156.1	30/9/2006
Stormwater Control Works	Consumer Price Index – All Groups (A) for Sydney	156.1	30/9/2006
Development Studies	Consumer Price Index – All Groups (A) for Sydney	145.0	30/3/2004
Land Acquisition	Consumer Price Index – All Groups (A) for Sydney	156.1	30/9/2006

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website:
www.coffsharbour.nsw.gov.au

DRAFT

As reported to Council 24 April 2013



Attachment 7

NORTH COFFS RELEASE AREA

Developer Contributions Plan 2013

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Summary of Contribution Rates.....	2
Date of Commencement of the Plan	2

PART 2 - ADMINISTRATION AND ACCOUNTING

Name of the Plan	4
Purpose of the Plan	4
The Area to which the Plan Applies	4
Relationship to other Plans and Policies	4
How the Plan Operates	4
Formula for Determining Contributions	6
Timing of Payment of Contributions.....	6
Deferred or Periodic Payment.....	6
Work in Kind	7
Pooling of Funds	7
Exemptions.....	7
Indexing of Contribution Rates.....	7

PART 3 - STRATEGY PLANS

Relationship between Expected Development and Demand for Additional Public Facilities	8
Existing and Future Development in North Coffs.....	8
Projected Dwelling Yield	9
Population Profile	10
Proposed Public Facilities	10
Open Space and Recreation	10
Transport and Traffic Management.....	11
Planning Reports.....	14

TABLES

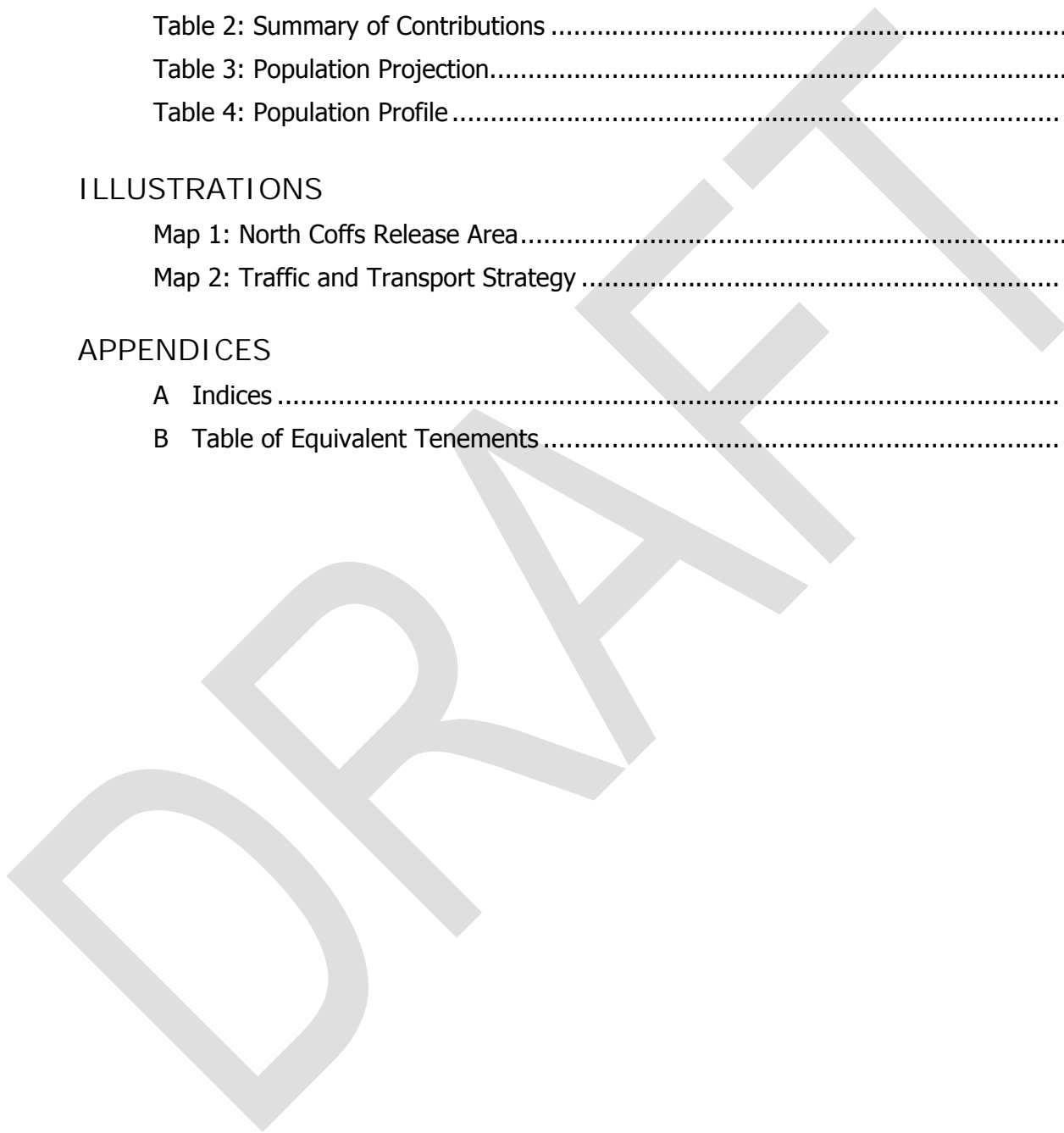
Table 1: Summary Cost by Land Use 3
 Table 2: Summary of Contributions 3
 Table 3: Population Projection..... 9
 Table 4: Population Profile 10

ILLUSTRATIONS

Map 1: North Cooffs Release Area..... 5
 Map 2: Traffic and Transport Strategy 13

APPENDICES

A Indices 15
 B Table of Equivalent Tenements 15



PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The North Coffs Development Control Plan (DCP) makes provision for further residential expansion for a minimum of 732 additional lots accommodating a minimum of 1903 people. These figures include the Big Banana and adjacent lands, the deferred R1 and R2 Precincts and the Pacific Bay West Lands as identified in the North Coffs DCP.

As a consequence of this anticipated development and having regard to the level of facilities currently available, it will be necessary to provide:

- transport and traffic facilities; and
- planning studies.

The North Coffs Release Area has been divided into two catchments based on the need for the above facilities and services. These are classified as:

- Catchment A (Big Banana and adjacent lands); and
- Catchment B (Pacific Bay West Lands - Southern).

The Pacific Bay West Lands – Northern Catchment is a standalone catchment area which is able to provide all of its own necessary infrastructure requirements. Consequently no contributions are required to be levied on this land.

The Big Banana Lands and the Pacific Bay West Lands – Southern Catchment will also be able to provide much of its own infrastructure.

This infrastructure will be provided by the developers of this land as part of any future Development Application and in accordance with the North Coffs DCP.

Also of importance is the fact that the Big Banana Land has been zoned to accommodate expansion needs of the Big Banana Tourist Facility. This area will accommodate a significant demand for facilities and services. Most of these services will be provided for by the developer as part of the future development of this land.

It should be noted that the proposed expansion will require the upgrade of West Korora Road and its intersection with the Pacific Highway. Council will not be forward funding these works.

This contribution plan provides Council with the authority to levy contributions on other lands within the catchment that will benefit from these works. These contributions will then be reimbursed to the party that funds West Korora Road and intersection works. This is considered to be the most fair and equitable outcome for all property owners involved.

A further two catchments (identified as Precincts R1 and R2 in the North Coffs DCP) are deferred pending further investigation. This Developer Contribution Plan will be required to be amended once this further investigation has been completed to incorporate these lands.

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the costs of the identified public facilities required as a result of the future development of the North Coffs Release Area.

Table 2 summarises the contribution rates applying to the different catchments within the North Coffs Release Area. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 12 July 2012. This plan was amended on XX/XX/XXXX

Table 1 - Summary Cost by Land Use

Public Facility	Total Cost	Net Cost to be Levied
	\$	\$
Catchment A and B		
Transport and Traffic	4,845,744.00	4,845,744.00
Planning Studies	229,765.00	172,481.83

Table 2 - Summary of Contributions

Service/Facility	Net Cost to be Levied \$	Per Person \$	Per Lot / large dwelling \$	Per Small Dwelling \$
Catchment A (Big Banana and adjacent lands)				
Transport and Traffic	4,845,744.00	3,407.70	8,860.02	6,133.83
Planning Studies	172,173.13	124.47	323.62	220.05
Catchment B (Pacific Bay West Lands - Southern)				
Transport and Traffic	4,845,744.00	3,407.22	8,858.76	6,133.83
Planning Studies	225.99	7.92	20.59	14.26

Notes:

1. In addition to the above the relevant contribution rates for Regional, District and Neighbourhood open space and community facilities, Surf Rescue Equipment, the Coffs Harbour Road Network, and the Coffs Harbour Water Supply and Wastewater Development Services Plans will also apply.
2. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions;
 - the first dwelling on a residential lot is exempt from contributions; and
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
3. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
4. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
5. SEPP Seniors Living occupancy rates of 1.5 persons per dwelling refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
6. Additional contribution rates for various other types of development are included in this Plan at appendix "B"

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 and may be referred to as the North Coffs Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act, 1979 to enable Council to require a contribution towards the provision, extension or augmentation of public facilities and services. These facilities and services are required as a consequence of development in the area or have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided in North Coffs as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a detailed strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout North Coffs.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within North Coffs as described on Map 1. As can be identified in Map 1 the North Coffs Release Area has been divided into two catchments based on the demand for the required facilities and services. These are classified as:

- Catchment A (Big Banana and adjacent lands); and
- Catchment B (Pacific Bay West Lands - Southern).

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supplements the Coffs Harbour City Local Environmental Plan 2000 and the Development Control Plan applying to North Coffs. This plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013, the Coffs Harbour Road Network Contributions Plan 2023, the Surf Rescue Facilities Contributions Plan 2013, and other contributions plans that may apply to the area.

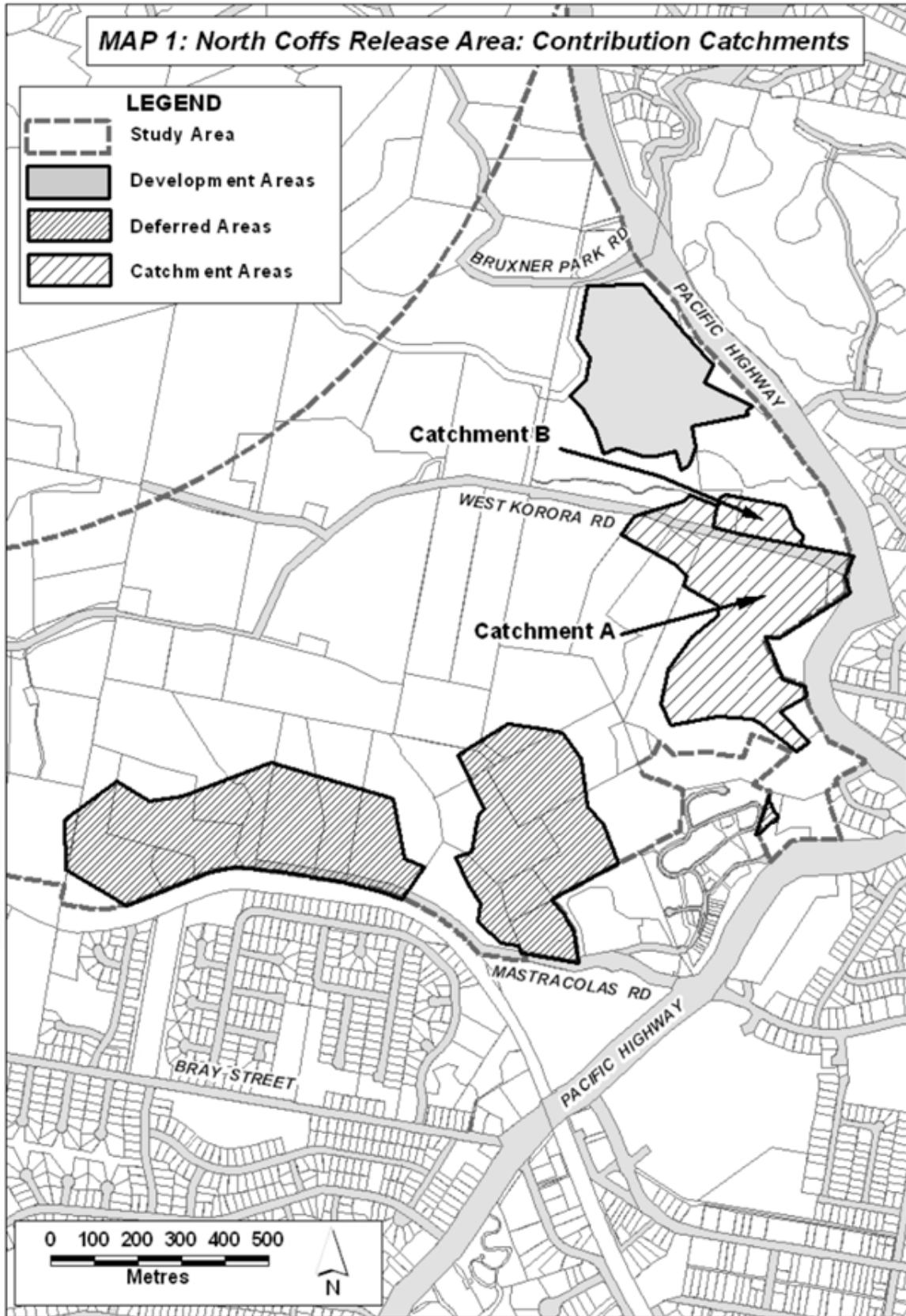
This plan does not include contributions under Section 27 of the Water Supply Authorities Act 1987 for water and sewerage services. Please consult Council in relation to these contributions.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.

MAP 1
NORTH COFFS RELEASE AREA



FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below.

$$\text{Contribution per person} = \frac{C}{P}$$

Where:

C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received

P = future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to the release of the subdivision certificate;
- development consents involving building work - prior to the release of the construction certificate; and
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operations of this plan; and
- the provision of the public facility or service in accordance with the adopted works schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- the deferment will be for a fixed period not exceeding six months from the date the contribution becomes due;
- the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding at the appropriate rate of interest;
- payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution; and
- deferments will not be granted based on progressive sales of land.
- For the purposes of this provision, "*appropriate rate of interest*" means the seven year local government interest borrowing rate applicable from time to time, and "*appropriate institution*" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix A or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the facilities, or other aspects relating to the contributions plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship between the expected types of development in the area and the demand for additional facilities to meet that development.

The Coffs Harbour “Our Living City Settlement Strategy” identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities. The North Coffs Release Area has been identified in the strategy as an Investigation Area for Residential Purposes’ and given Priority 1 – Short Term (2006-2011) status.

Coffs Harbour City Council Social and Community Strategic Plan 2006 identifies existing community facilities and services and highlights a range of community facilities and services required for the existing and future population.

The North Coffs DCP sets out detailed guidelines for development within the North Coffs Release Area. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached or semi detached dwellings.

PROVISION

The anticipated increase in population in North Coffs will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available in the area.

Table 1 in this plan lists the public facilities to be provided in North Coffs.

The Coffs Harbour Regional, District and Neighbourhood Facilities Developer Contributions Plan 2008 lists the public facilities provided for the benefit of future population in North Coffs together with future population in other catchments.

LOCATION

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such needs may be satisfied.

TIMING

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

EXISTING AND FUTURE DEVELOPMENT IN NORTH COFFS

North Coffs is a new release area which has a minimal existing population due to the area previously being zoned Rural 1(A). The future permanent population for the release area is estimated to be a minimum of 1903 people. This includes the Big Banana and adjacent lands, the deferred R1 and R2 Precincts and the Pacific Bay West Lands as identified in the North Coffs DCP.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yields. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavour to promote efficient and sustainable urban environments.

The housing policy promoted for the development of North Coffs is to provide for a variety of housing types which encourage a heterogeneous population. It should be noted that environmental constraints and prevailing market conditions may create a demand for low density housing forms and conventional allotments of 500-700m² within the study area. This, coupled with the fact that the likely future development of Catchment A will be unconventional development associated with the existing Big Banana Development, makes it very difficult to project an accurate future yield for catchment A.

For the purposes of this plan, the yield for the North Coffs Release area has been calculated based on Structure Plans prepared for each catchment which have taken into consideration the proposed zoning, site constraints and anticipated development patterns. A minimum lot yield approach has been adopted in preparing these structure plans.

In determining lot yield for the Big Banana Lands, the figures provided in the Traffic Assessment Report in the North Coffs Local Environmental Study have been utilised along with some assumptions based on environmental constraints.

Given the location and the site constraints of the Release Area, it is considered likely that larger lots will predominantly dominate the development pattern outside of the Big Banana expansion area. Accordingly the yields for the release area have been calculated on Large Lot/Dwelling rates with an occupancy rate of 2.6 persons per dwelling.

The total projected population of the North Coffs Coffs Release Area has been based on these occupancy rates, projected dwelling yields and assumptions and are shown in Table 3.

Table 3 - Population Projection

Service/ Facility	Occupancy Rate	Min Lot Yield/ Equivalent Tenements	Population/ Equivalent Population
Catchment A (Big Banana and adjacent lands)			
Conventional	2.6	532	1,383.20
Catchment B (Pacific Bay West Lands - Southern)			
Conventional	2.6	15	39.00
Total		547	1,422.20

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 1903 persons.

The population profile of North Coffs is initially anticipated to reflect a "developing" population model. This developing population, is expected to have the following age characteristics:

Table 4 - Population

Age	New	%
0-9	367	19.3
10-19	320	16.8
20-29	236	12.4
30-39	316	16.6
40-49	268	14.1
50-59	143	7.5
60+	253	13.3
Total	1,903	100

The population is expected to have a high proportion of young families with persons of pre-school age (0-4 years), school age (5-19 years) and young to middle age adults (30-49 years).

PROPOSED PUBLIC FACILITIES

There are no community facilities proposed for North Coffs as the expected population for the area is not sufficient enough to support any new facilities. People in North Coffs will have access to the Community Facilities that exist in and around Park Beach.

There is a significant retail/commercial precinct in proximity to the Release Area and the 2A and 2E Zones allow for establishment of a general store if demand dictates a need for such a use.

The population will contribute proportionally to the demands for certain regional facilities that could not be sustained by the North Coffs Release Area in its own right.

The Coffs Harbour Regional District and Neighbourhood Facilities Contributions Plan 2008 identifies the contribution rate for regional community facilities. The Coffs Harbour Road Network and Surf Rescue Equipment Contributions Plans also apply to the release area.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities are provided at Park Beach and at Bray Street which are located to the east and south of the release area.

Informal recreation opportunities are provided with the nearby beaches, Coffs Creek and various bushland and reserve corridors.

IDENTIFIED NEEDS

The initial population of North Coffs is expected to reflect a developing population model with the proportion of the population under 19 years of age and in the 30-39 year age group being well above the NSW average. The lower than average proportion of the projected population in the over 60 years age group is a further indicator of the developing nature of the population.

On the basis of this population model, it is anticipated that a preference for structured sporting facilities and neighbourhood parks/playgrounds will exist. Open space facilities can be considered at a regional, district and local level.

Regional

Regional open space caters for users prepared to travel to significant distances from within and outside the Coffs Harbour local government area. These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits, and nature conservation.

Regional open space areas in the vicinity of North Coffs include the Coffs Coast Sport and Leisure Park and Solitary Islands Coastal Walkway.

*Note:
Contributions for Regional Open Space are considered under a separate plan.*

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities. The primary use of these lands will be for organised recreation by residents of North Coffs. Council's Open Space Strategy provides standards for the provision of district sporting facilities. These standards provide a benchmark for provision of district facilities within North Coffs.

Since the expected minimum population of North Coffs is only approximately 1900 people, it is not necessary to provide a centralised complex with all these facilities. Residents of North Coffs can utilize a number of the district facilities available throughout the Coffs Harbour urban area. Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

*Note:
Contributions for District Open Space are considered under a separate plan.*

Local

Local open space is land used primarily for localised recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

The North Coffs DCP indicates the proposed location of a neighbourhood park site which is considered to be centrally located to best meet the demands of the future population. Parks and recreation areas are to be provided by developers of land in accordance with the DCP. Consequently no developer contributions for parks and recreation facilities are levied under this plan.

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through North Coffs recognizes the dependence on the motorcar, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for a bus service.

EXISTING FACILITIES

Access to both catchments (which are subject to this contribution plan) is to be obtained from the Pacific Highway at the West Korora Road.

IDENTIFIED NEEDS

The transport demands within North Coffs can be categorised in terms of the road network, public transport and pedestrian/bicycle network.

Road Network

Map 2 identifies the works required to accommodate the proposed development within the North Coffs Release Area. These works include:

- upgrade of the West Korora/Pacific Highway intersection;
- upgrade of part of West Korora Road;
- Pedestrian and bike path facilities.

These works are likely to be funded and build as part of the Big Banana Development with this contribution plan levying development that will benefit from these works.

Local roads will be at the expense of the developer.

This plan also provides for street tree planting along the upgraded section of West Korora Road.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those less than 17 years of age. Opportunities for public transport within North Coffs are limited to the provision of a possible bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters and seats. It is proposed to provide bus shelters/seats along West Korora Road. A total of two shelters will be provided.

Pedestrian and Bicycle Ways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys.

Pedestrian and cycle routes are to be provided by the developer in the form of on-road footpaths/cycleways on low order local roads and off-road footpaths/cycleways on the collector road and do not form part of this plan.

The proposed route is identified in Map 2 and has been designed to relate to the need for access to the Council’s existing pedestrian route.

PROPOSED FACILITIES

The following schedule summarizes the traffic and transport facilities, which will be funded via Section 94 contributions for catchments A and B (excludes areas R1 & R2)

Upgrade to West Korora Road

Upgrade of intersection at Pacific Highway \$2,000,000

Upgrade of West Korora Road \$1,350,000 (including:
 • 2 Bus Shelters @ \$12,500 each
 • Street tree planting \$8,200
 • Route lighting 500m @ \$100 per metre \$50,000)

Traffic Management

Cycle & pedestrian paths \$377,496

Additionally 15% design and supervision \$559,124

15% contingencies \$559,124

TOTAL \$4,845,744

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

C = Cost of Transport and Traffic facilities

P = Expected population

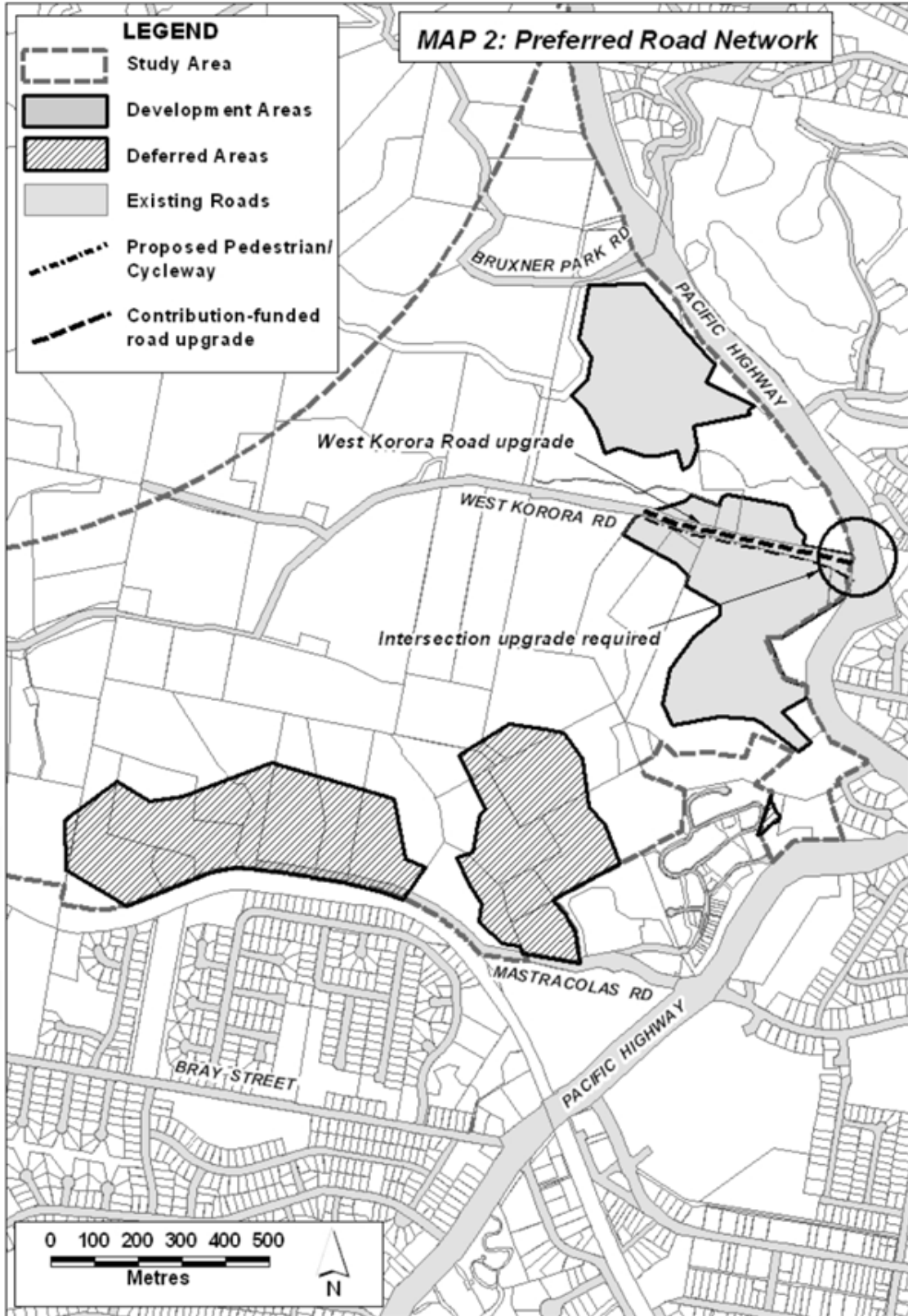
C = \$4,845,744

P = 1422

= $\frac{\$4,845,744}{1422}$

= \$3,407.70 per person

MAP 2
TRAFFIC & TRANSPORT STRATEGY



PLANNING REPORTS

INTRODUCTION

As part of the rezoning of the North Coffs Release Area, Council engaged the services of a consultant to prepare the required Local Environmental Study (LES), Development Control Plan and Developer Contributions Plan.

Pursuant to the provisions of the Environmental Planning and Assessment Act 1979 provides Council the ability to levy expenses it has incurred for planning studies undertaken to initiate the rezoning of land for development.

STUDIES UNDERTAKEN AND COSTS

The studies undertaken and costs incurred are outlined below.

Table 6 – Cost of Studies

Planning Study	\$
Local Environmental Study	195,665
Development Control Plan	19,200
Developer Contribution Plan	14,900
Total	229,765

APPORTIONMENT

All three of the above planning studies applied to land in Catchment A and the deferred areas of R1 and R2 Lands (refer North Coffs DCP). The Developer Contribution Plan also applies to Catchment B. None of the studies applied to the Pacific Bay West Lands – Northern Catchment.

The cost of the Local Environmental Study and the Development Control Plan will be levied against lots within Catchment A and the Deferred R1 and R2 lands (when further investigations are undertaken). The cost of the Developer Contributions Plan will be levied

against Catchments A and B and the Deferred and R1 and R2 lands (when further investigations are undertaken).

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

C = Cost of Relevant Planning Studies

P = Expected population

Catchment A

C = \$172,173.13

P = 1,383.20

= $\frac{\$172,173.13}{1,383}$

= \$124.04 per person

Catchment B

C = \$308.70

P = 39

= $\frac{\$308.70}{39}$

= \$7.92 per person

APPENDIX A - INDICES

CONTRIBUTION TYPE	INDEXATION BASIS	DATE APPLIED	INDEX
Roads/Traffic Management	Consumer Price Index – All Groups (A) for Sydney	December 2011	178.7
Planning Studies	Consumer Price Index – All Groups (A) for Sydney	December 2011	178.7

Notes:

- Indices are issued by Australian Bureau of Statistics

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro- rata)	1 per 80 seats (pro- rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Coffs Harbour City Council
 Cnr Coff and Castle Streets
 (Locked Bag 155)
 COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
 Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 8

NORTH BOAMBEE VALLEY (EAST) RELEASE AREA

**Developer Contributions
Plan 2013**

DRY



TABLE OF CONTENTS

PART A - SUMMARY SCHEDULES

Executive Summary.....	1
Summary of Works Schedule	1
Summary of Contribution Rates	1
Date of Commencement of the Plan.....	1

PART B - ADMINISTRATION AND ACCOUNTING

Name of the Plan	4
Purpose of the Plan.....	4
The Area to which the Plan Applies	4
Relationship to other Plans and Policies	4
How the Plan Operates.....	4
Formula for Determining Contributions	6
Timing of Payment of Contributions	6
Deferred or Periodic Payments	6
Works in Kind	7
Exemptions	7
Pooling of Funds	7
Indexing of Contribution Rates.....	7

PART C - STRATEGY PLANS

Relationship between Expected Development and Demand for Additional Public Facilities	8
Existing and Future Development in North Boambee Valley.....	9
Proposed Public Facilities.....	10
Open Space and Recreation	10
Community Facilities and Services	12
Transport and Traffic Management	12
Koala Management	15
Stormwater Management	17
Urban Planning	19

APPENDICES

A Indices Applying to Contributions in North Boambee Valley (East)	19
B Standard Equivalent Tenement Figures.....	21

PART A - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development within the North Boambee (East) release area will or is likely to increase the demand for public facilities.

Council's "Our Living City" Settlement Strategy 2007 advises that the population of Coffs Harbour is expected to increase by 32,000 by 2031. The Strategy further identifies North Boambee Valley (East) as an area appropriately zoned and capable of additional residential development. Residential developments have been approved and some development completed within the release area for approximately 429 dwellings accommodating approximately 1,014 people.

It is expected that future development in the order of 361 dwellings accommodating approximately 939 people will occur within the release area.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- open space and recreation facilities
- transport and traffic facilities
- community facilities and services
- koala management facilities
- stormwater management.

SUMMARY OF WORKS

A schedule of works and current status is provided at table 1

SUMMARY OF CONTRIBUTION RATES

A summary of works costs by land use is included at Table 2.

Table 3 summarises the contribution rates applying to the different forms of development in North Boambee Valley (East). Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 23 February 2000.

AMENDMENTS

This Plan was amended on 16 October 2003, on 24 April 2008, on 2 August 2012, and further on XX/XX/XXXX.

Table 1 - Schedule of Works, Commencement, Staging and Expenditures

Works Completed	Capital Cost \$
Neighbourhood Community Centre	250,000
Open Space & Recreation	
Neighbourhood Park – Lakes Drive	312,456
Street trees	
Traffic Management	
Collector road – Lakes Drive (8.0m x 450m kerb & gutter, and cycleways incl. land acquisition)	2,540,332
Roundabout (1)	
Route Lighting	
Stormwater Management	1,291,551
Catchment 1	
Urban Planning	184,483
TOTAL	4,578,822
Future Works	Capital Cost \$
Neighbourhood Community Centre	500,000
Open Space & Recreation	150,000
Neighbourhood Park	
Traffic Management	
Cycleways	90,000
Koala Management	1,406,680
Stormwater Management	
Catchment 1	182,465
Catchment 2	200,000
TOTAL FUTURE WORKS	2,529,145
TOTAL ALL WORKS	7,107,967

Table 2 - Summary Costs by Land Use

Public Facility	Total Cost \$	Contributions Expended, Levied or Held as at 30-6-2012	Net Cost to be Levied \$
Community Facilities	750,000	304,297	445,703
Open Space	462,456	312,852	149,604
Transport and Traffic	2,630,332	2,026,559	603,773
Koala Management	1,406,680	440,406	966,274
Stormwater			
Catchment 1	1,474,016	865,105	608,911
Catchment 2	200,000	51,169	148,831
Urban Planning	184,483	159,928	24,555

Table 3 - North Boambee Valley (East) Contribution Rates

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Small Dwelling \$	Per Large Dwelling / lot \$	Per SEPP Seniors Living Dwelling (self care) \$
Community Facilities	445,703	489.78	881.61	1,273.44	734.68
Open Space	149,604	164.40	295.92	427.44	246.60
Transport and Traffic	603,773	663.49	1,194.28	1,725.07	995.23
Koala Management	966,274	1,061.84	1,911.31	2,760.78	1,592.76
Stormwater Management					
Catchment 1	148,831	602.55	1,084.60	1,566.64	903.83
Catchment 2	608,911	918.42	1,653.15	2,387.89	1,377.63
Urban Planning	24,555	26.98	48.57	70.15	40.48
Total Catchment 1		3,009.04	5,416.29	7,823.52	4,513.57
Total Catchment 2		3,324.91	5,984.84	8,644.77	4,987.37

Notes:

1. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
2. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
3. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).
4. In addition to the above the relevant contribution rates for Regional, District and Neighbourhood Open Space and Community Facilities, Surf Rescue Equipment, and Coffs Harbour Road Network will also apply.
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004.
6. Additional contribution rates for various other types of development are included in this plan at appendix "B"

PART B - ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 2000 and may be referred to as the North Boambee Valley (East) Release Area Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be required as a consequence of development in the area or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided within the North Boambee Valley (East) release area as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the North Boambee Valley (East) Release Area.

THE AREA TO WHICH THE PLAN APPLIES

This plan applies to all the land within the North Boambee Valley (East) residential release area described on Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supplements the Coffs Harbour Local Environment Plan 2000 and the North Boambee Valley (East) Release Area Development Control Plan. This contributions plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013, The Coffs Harbour Road network Developer Contributions Plan 2013, the Coffs Harbour Development Servicing Plan for Water Supply 2013, the Coffs Harbour Development Servicing Plan for Wastewater 2010, and other plans that may apply to the Release Area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

LEGEND

-  RTA PACIFIC HIGHWAY PREFERRED BYPASS ROUTE
-  LAND EXCLUDED FROM THIS DCP



Map 1
North Boambee Valley (East) Release Area

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C - L - E}{P}$$

Where:

C = total cost of works

L = amount of existing contributions either paid or levied as at 30/6/2012

E = Expenditure to date

P = Future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan
- development consents involving building work – prior to the release of the construction certificate
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) the deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care,

and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

PART C - STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour "Land Capacity Assessment 2004, and the 'Our Living City" Settlement Strategy establishes the level of existing development and estimates a population of 99,000 in Coffs Harbour by the year 2031. The estimates are based on Department of Planning's Mid North Coast Regional Strategy population projections. The Strategy identifies the localities of proposed future development within the Coffs Harbour local Government Area and specifically identifies North Boambee Valley (East) as suitable for continued future residential development.

Coffs Harbour City Council's Social and Community Strategic Plan 2006-2010 provides information on strategies for the provision of community facilities.

Coffs Harbour City Council Open Space Strategy 2010 identifies the passive open space facilities required by future population. The Strategy was prepared following extensive community consultation and a review of current and future demographic patterns and an assessment of issues relevant to all these factors.

The North Boambee Valley (East) Development Control Plan sets out detailed guidelines for development in the North Boambee Valley (East) release area. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings. It also allocates land for open space and environmental protection purposes.

CAUSAL NEXUS

The anticipated increase in population in the North Boambee Valley (East) release area will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available.

Table 1 in this plan lists the public facilities to be provided in the North Boambee Valley (East) release area.

The Coffs Harbour Regional, District and Neighbourhood Facilities and Services Developer Contributions Plan 2013 and the Coffs Harbour Road Network Developer Contributions Plan 2013 lists public facilities provided for the benefit of future population in North Boambee Valley (East) together with future population in other catchments.

The Coffs Harbour Development Servicing Plan for Water Supply 2013, the Coffs Harbour Development Servicing Plan for Wastewater 2013 lists the water and wastewater requirements for new development in North Boambee Valley (East).

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such need may be satisfied.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them. Many facilities have already been provided such as stormwater detention systems and a collector road.

EXISTING AND FUTURE DEVELOPMENT IN NORTH BOAMBEE VALLEY (EAST)

The North Boambee Valley (East) release area has been the subject of residential development since the 1990's. It was originally intended that the development catchment would be significantly larger than that of the current North Boambee Valley (East) Release area, and would accommodate significantly more future population. However following extensive studies, the NSW Roads and Traffic Authority identified a corridor through the original release area as the preferred option for a Pacific Highway bypass. This has had a significant effect on the future development potential for the area.

The release area was originally expected to cater for an additional population in the order of 9,000 people. The reduced catchment is expected to cater for a total additional population in the order of 1,953 people

Completed and approved development comprises residential dwellings, The Lakes Retirement Village and an aged care facility.

PROJECTED POPULATION

Based on the conceptual lot layout as provided for in the North Boambee Valley (East) Development Control Plan and at Map 1, and adjusting for developments not yet approved, it is expected that a total of approximately 1,953 people will ultimately reside within the release area.

OCCUPANCY RATE

The Australian Bureau of Statistics 2006 Census Data has been used as a basis for estimating the dwelling occupancy rates. The Coffs Harbour City Population Profile 2009 examines the demographics of the population and identifies the average residential dwelling occupancy rate of 2.6 persons in North Boambee Valley (East). The anticipated occupancy rates for differing types of residential development are shown in table 5.

Table 5 - Occupancy Rates

Dwelling Type	Occupancy Rate
Large Dwelling	2.6
Small Dwelling	1.8
Seniors Living SEPP dwelling (Self care)	1.5

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

PROPOSED PUBLIC FACILITIES

OPEN SPACE AND RECREATION

Prior to development commencing within the release area existing facilities within North Boambee Valley were limited to privately owned facilities consisting of one playing field situated at Bishop Druitt College. An indoor sporting centre is located on the Pacific Highway.

Casual open space includes the surrounding State Forest which is utilised for passive recreation.

Open space facilities can be considered at regional, district and local level.

Regional

Regional open space caters for users prepared to travel significant distances from within and outside the Coffs Harbour local government area (LGA). These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits.

The Coffs Harbour Sports Facilities Plan identifies the Coffs Coast Sports & Leisure Park, the Toormina Velodrome, and Sportz Central as examples of regional facilities.

Due to the limited development potential of the release area there are no regional facilities planned.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and sporting facilities. The primary use of these facilities will be for organised recreation for residents of the release area.

Council's Open Space Strategy 2010 provides standards for the provision of

district sporting facilities. The anticipated population within the release area is deemed insufficient to warrant the provision of district active open space facilities.

Local

Local open space comprises neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Local open space is used primarily by children, and these facilities should be provided within walking distance of residential development. A reasonable walking distance to a neighbourhood park is considered to be 500 metres which represents, on average, a seven minute walk.

As part of the development of the Lakes Estate, a playground has been completed in Lakes Drive to accommodate the neighbourhood recreational needs of the residents. The cost of this facility is funded through contributions.

The Coffs Harbour Open Space Strategy 2010 identifies the need for a neighbourhood park in the south western sector of the release area as indicated on map 2.

Calculation of contribution rate

Local Facilities

$$\begin{aligned} \text{Contribution} &= \frac{C - L - E}{P} \\ &= \frac{\$462,456 - \$30,396 - \$282,456}{939} \\ &= \$159.32 \text{ per person} \end{aligned}$$

LEGEND

- ★ Existing Playground
- ☆ Proposed Playground



MAP 2
OPEN SPACE AND RECREATION

COMMUNITY FACILITIES AND SERVICES

INTRODUCTION

The provision of community facilities under this plan is based on need and takes into account the provision of services and facilities by other levels of government, the private sector and other non-government providers. This plan only deals with those community facilities over which local government has direct influence. Other community facilities such as schools, hospitals and churches are beyond this influence.

EXISTING FACILITIES

There are no existing formal community facilities within the release area.

PROPOSED FACILITIES

Following a reduction in the expected future population as a result of the location of the Coffs Harbour Highway bypass, it has been determined that the release area would be best serviced by an informal community meeting area and associated infrastructure.

The centre is to be located on land that is in Councils ownership, and is adjacent to the neighbourhood playground on Lakes Drive

The cost of these facilities are as follows:

◆ Neighbourhood Community Centre	
Land Acquisition	\$250,000
Construction	\$500,000
 TOTAL	 \$750,000

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned} \text{Contribution} &= \frac{C - L - E}{P} \\ &= \frac{\$750,000.00 - \$54,297 - \$250,000}{939} \\ &= \$474.66 \text{ per person} \end{aligned}$$

TRANSPORT AND TRAFFIC MANAGEMENT

EXISTING FACILITIES

Principal access to the release area is via North Boambee Road with alternative access being via Halls Road.

The transport demands within the Valley can be categorised in terms of road network, public transport, and pedestrian/cycleway network.

A road hierarchy has been established classifying roads as distributor, collector, local, and minor roads in accordance with their functional characteristics.

This contributions plan provides for the funding of the collector road as indicated in map 3.

Lakes Drive, the principal collector road, has been constructed to facilitate development that has occurred to date. The cost of these works including land acquisition, roundabout construction, collector road construction, construction of two culverts over the waterway system, and footpath/cycleway construction is the subject of contributions. Forward funded costs associated with these works is to be recovered by way of contributions. Local roads and culverts on local roads are to be at the expense of the developer.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those under 17 years of age. Opportunities for public transport within the release area are limited to the provision of a bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters, and bus bays.

Pedestrian and Cycleways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreational and functional journeys. The proposed routes are identified in Map 4 and have been designed to relate to the need for access to schools, recreation facilities, shops, University and employment centres for those residing in the release area. Cycle routes are provided for both commuter cyclists and recreational cyclists with the former provided with a faster more direct route and the latter with safer, traffic free routes generally within open space areas.

Pedestrian and cycle routes are provided in the form of on-road footpaths/ cycleways on lower order local roads and off-road footpaths/cycleways on the Collector road. Future cycleways through reserves where no development fronts the road only are included in this plan.

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities which will be funded using Section 94 contributions on the basis of the local and district facilities.

Completed works

Roundabout	\$ 396,914
Collector Road Incl footpath/cycleway land	\$1,979,483
Street Lighting	\$ 45,492
Bus shelter	\$ 13,000
Design Supervision & Site establishment	\$ 105,443

Proposed works

Cycleways	\$ 90,000
-----------	-----------

TOTAL ALL WORKS	\$2,630,332
------------------------	--------------------

CALCULATION OF CONTRIBUTION RATE

$$\text{Contribution} = \frac{C - L - E}{P}$$

$$= \frac{\$2,630,332 - \$76,865 - \$1,949,694}{939}$$

$$= \$643.00 \text{ per person}$$



MAP 3
TRAFFIC AND TRANSPORT

KOALA MANAGEMENT

INTRODUCTION

The protection of the environment is critical in seeking the development of sustainable urban settlements.

EXISTING ENVIRONMENT

The existing environment has been substantially disturbed mainly as a result of land clearing for rural and residential activities, and of the residential development that has occurred to date. The Valley provides a habitat for koalas and other fauna and forms part of the catchment of Newports Creek. Under the North Coast Regional Environmental Plan, Council is required to protect fauna, flora, scenic escarpments and water quality. The North Boambee Valley (East) Release Area seeks to promote a neutral impact upon existing natural systems in terms of flora and fauna, water quality and natural landscape settings.

IDENTIFIED NEEDS

The need for the acquisition of koala habitat areas arises out of the desire to maintain biodiversity and create sustainable urban settlements. The retention of koala habitat areas in public

ownership (ie Council's ownership) will enable the maintenance of habitat corridors and monitoring of the koala population after urbanisation.

Core koala habitat areas are "Environmental Protection" in recognition of their importance in maintaining viable habitat areas.

PROPOSED FACILITIES

Koala lighting, fencing, sign posting and supplementary food tree planting will be required as a condition of consent in areas identified in the DCP or Koala Management Plan. The acquisition of habitat areas is the only facility covered by this plan. The cost of acquiring the koala habitat areas shown on the map is \$1,406,680.00.

Refer to map 4 for locations.

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,406,680 - \$440,406}{939} \\ &= \$1029.05 \text{ per person} \end{aligned}$$



MAP 4
KOALA MANAGEMENT

STORMWATER MANAGEMENT

EXISTING FACILITIES

Prior to development commencing in the 1990's the site was greenfield and there were no existing stormwater drainage infrastructure. The Valley forms part of the catchment of Newports Creek. It is important to minimise the impact of new development upon the receiving waters of Newports Creek.

Works that are an integral part of the subdivision, such as kerb inlet pits and piping, are considered as part of the initial land development. However major works, such as culverts on the collector road over the main water course through the development area and the stormwater detention basins, are to be funded from contributions.

IDENTIFIED NEEDS

Water Quality

The principle adopted in relation to water quality is that the export of nutrients from the urbanisation of the Valley do not exceed the levels existing prior to urbanisation.

Water quality measures for the release area have been determined using stormwater management models based on the anticipated settlement pattern of the Valley.

Drainage

The release area is located upstream of existing urban development. It is necessary to provide flow retarding basins to maintain the 1% AEP flood discharge from the development area at the rate it was prior to urban development.

The most equitable means of seeking contributions is on a catchment basis. In this regard contributions for detention

ponds and wetlands will be sought from the catchments served by these facilities.

Catchment 1

These works consist of the formation of a small detention system and associated landscaping.

The cost of these works is estimated to be \$200,000

CALCULATION OF CONTRIBUTION RATE

Catchment 1

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$200,000 - \$51,169}{205} \\ &= \$726.00 \text{ per person} \end{aligned}$$

Catchment 2

A detention and water quality system has been constructed within stormwater catchment 1 which consists of a 5 lake detention system incorporating 2 major waterway culverts on the main collector road, Lakes Drive.

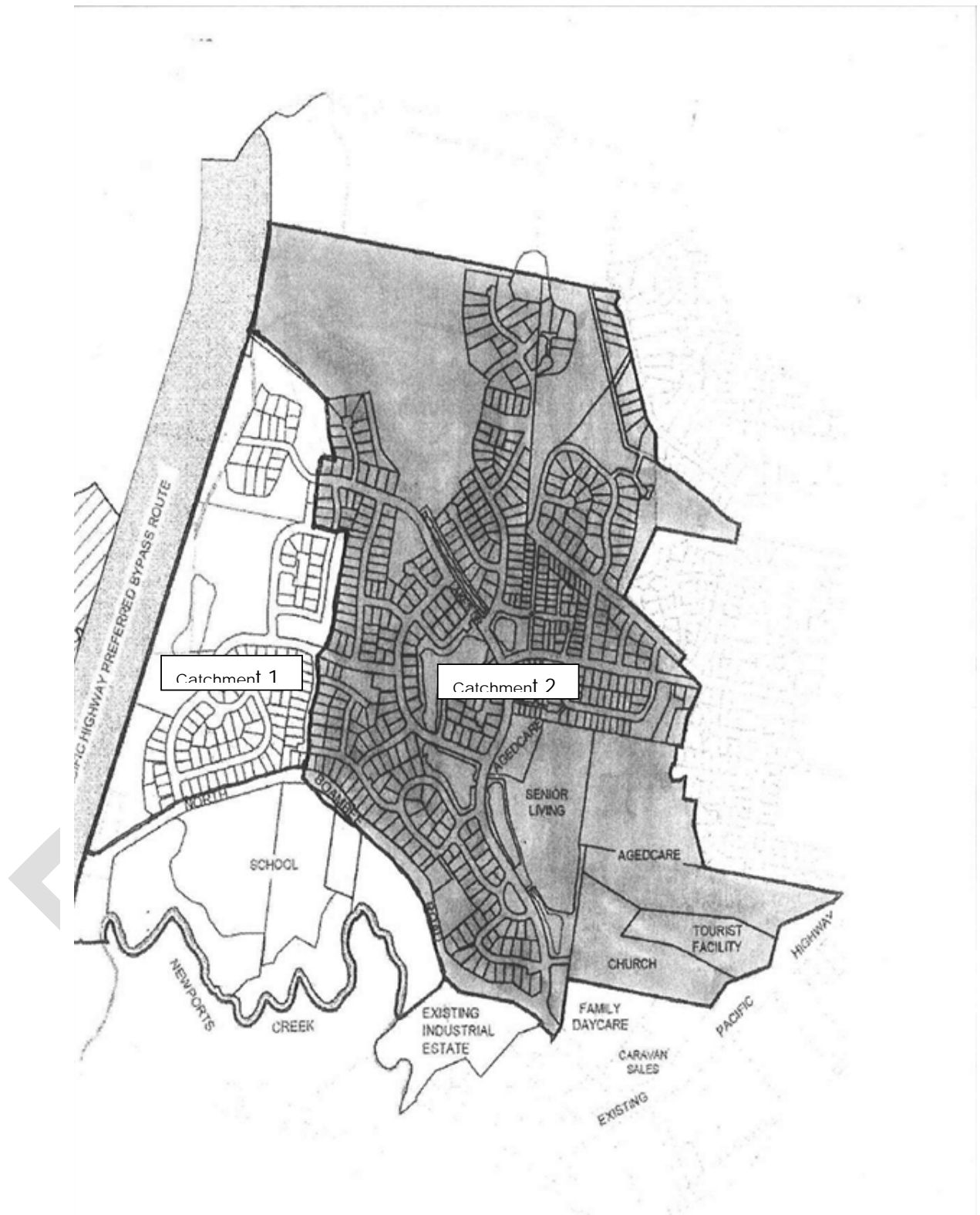
The costs of works related to landscaping and establishment are funded through this plan, with earthworks being undertaken at the cost of the developer to provide material for filling of low lying areas.

The cost of the works is \$1,474,016

CALCULATION OF CONTRIBUTION RATE

Catchment 2

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,474,016 - \$865,105}{734} \\ &= \$829.58 \text{ per person} \end{aligned}$$



**MAP 6
STORMWATER MANAGEMENT
CATCHMENTS**

URBAN PLANNING

PLANS AND STUDIES

Section 94 of the Environmental Planning and Assessment Act allows recoupment of the costs for the preparation of the North Boambee valley Development Control Plan, relevant plans and studies and this Contributions Plan. The cost of the studies and plans is as follows:

Development Control Plan	\$67,624
Soil and Water Management Plan (Stage 1)	\$27,582
Flora & Fauna Plan	\$15,979
Mapping	\$73,298
Total	\$184,483

CALCULATION OF CONTRIBUTION RATE

$$\text{Contribution} = \frac{C - E}{P}$$

$$= \frac{\$184,483 - \$159,928}{939}$$

$$= \$26.15 \text{ per person}$$

APPENDIX A - INDICES APPLYING TO CONTRIBUTIONS IN NORTH BOAMBEE VALLEY (East)

Contribution Type	Index	Date Applied	Indexation Basis
Roads/Traffic Management	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney
Buildings/Embellishment	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney
Land Acquisition	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney
Stormwater Management	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney
Koala Management	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney
Urban Planning	178.8	March 2012	Consumer Price Index – All Groups (A) for Sydney

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET Section 94 Contribution Plans	Unit Rate per ET Water DSP	Unit Rate per ET Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro- rata)	Determined on Application 1 per 80 seats (pro- rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

**Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450**

Telephone: (02) 6648 4000

DRAFT

As reported to Council 24 April 2013



Attachment 9

NORTH BONVILLE

**Developer Contributions
Plan 2013**

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Summary of Contribution Rates.....	1
Date of Commencement of the Plan	1

PART 2 - ADMINISTRATION AND ACCOUNTING

Name of the Plan	3
Purpose of the Plan	3
The Area to which the Plan Applies	3
Relationship to other Plans and Policies	3
How the Plan Operates	3
Formula for Determining Contributions	5
Timing of Payment of Contributions.....	5
Deferred or Periodic Payment.....	5
Works in Kind	6
Indexing of Contribution Rates.....	6

PART 3 - STRATEGY PLANS

Relationship between Expected Development and Demand for Additional Public Facilities	7
Existing and Future Development in North Bonville.....	7
Proposed Public Facilities	9
Open Space and Recreation	9
Transport and Traffic Management.....	13
Stormwater Management.....	16
Urban Planning	16

APPENDICES

A Indices.....	18
B Standard Equivalent Tenement Figures	19

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The North Bonville Development Control Plan (DCP) makes provision for further residential expansion in the order of 257 additional dwellings accommodating 720 people. The North Bonville catchment will ultimately cater for a population of 1,171 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available, it will be necessary to provide:

- community facilities;
- open space and recreation facilities;
- transport and traffic facilities; and
- stormwater management facilities.

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the costs of the identified public facilities.

Table 2 summarises the contribution rates applying to the different forms of development in North Bonville. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 19 December 2001.

AMENDMENTS

This Plan was amended on 16 October 2003, 7 July 2005 24 April 2008, and further amended on XX/XX/XXXX

Table 1 - Summary Cost by Land Use

Public Facility	Total Cost \$	Contributions levied as at 31.12.04 \$	Net Cost to be Levied \$
Open Space	158,000	54,913	103,087
Transport and Traffic	1,499,252	388,631	1,110,620
Water Quality	330,000	57,814	272,186
Urban Planning	20,000	7,570	12,430

Table 2 - Summary of Contributions

Service/Facility	Net Cost to be Levied \$	Per Person \$	Per Lot / Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Open Space & Recreation					
Local Facilities	103,087	143.18	400.90	257.72	214.77
Transport and Traffic	1,110,620	1,542.53	4,319.08	2,776.55	2,313.80
Stormwater Management					
Water Quality	272,186	378.03	1,058.48	680.45	567.05
Urban Planning	12,430	17.26	48.33	31.07	25.89
Total Contribution	1,498,323	2,081.00	5,826.79	3,745.79	3,121.51

Notes:

- In addition to the above the relevant contribution rates for regional, district and neighbourhood open space and community facilities, Surf Rescue Equipment, the Coffs Harbour Road Network, and the Coffs Harbour Water Supply and Wastewater Developer Services Plans will also apply.
- Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
- A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
- The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
- SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
- Additional contribution rates for various other types of development are included in this plan at appendix "B"

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 and may be referred to as the North Bonville Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act, 1979. This enables Council to require a contribution towards the provision, extension or augmentation of public services. These services are likely to be required as a consequence of development in the area or have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided within North Bonville as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a detailed strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout North Bonville.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within North Bonville as described on Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

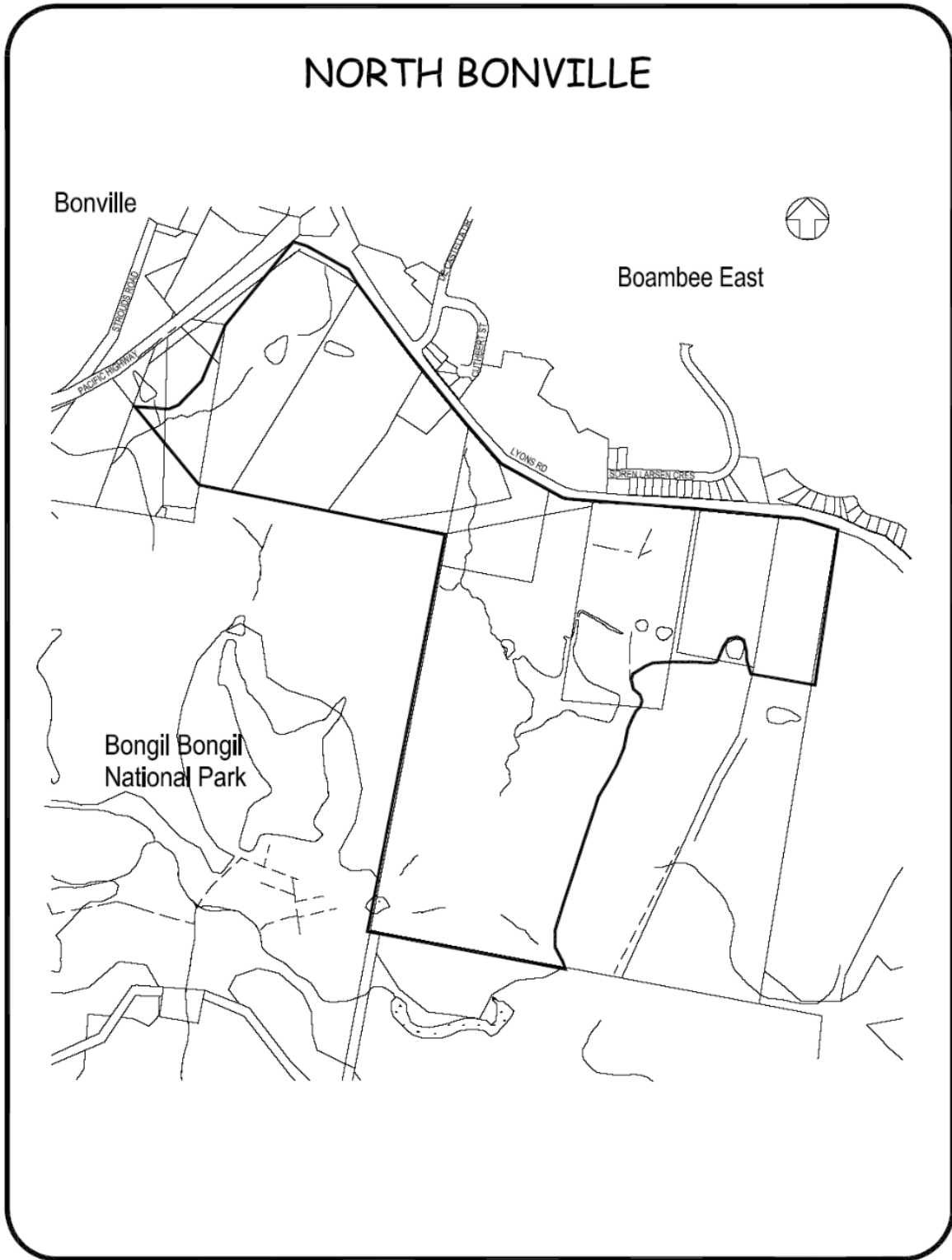
This plan supplements the Coffs Harbour City Local Environmental Plan 2000 and Development Control Plan applying to North Bonville. This plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013 and other contributions plans that may apply to the area.

This plan does not include contributions under Section 27 of the Water Supply Authorities Act 1987 for water and sewerage services. Please consult Council in relation to these contributions.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.



MAP 1
NORTH BONVILLE

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below.

$$\text{Contribution per person} = \frac{C - E}{P}$$

Where:

C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received

E = amount of existing contributions either paid or levied as at 31st December 2004

P = future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to the release of the linen plan;
- development consents involving building work - prior to the release of the construction certificate; and
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operations of this plan; and
- the provision of the public facility or service in accordance with the adopted works schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- the deferment will be for a fixed period not exceeding six months from the date the contribution becomes due;
- the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding at the appropriate rate of interest;
- payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution; and
- deferments will not be granted based on progressive sales of land.

For the purposes of this provision, "*appropriate rate of interest*" means the seven year local government interest borrowing rate applicable from time to time, and "*appropriate institution*" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted

under directions that may be made from time to time by the NSW Minister for Planning.

INDEXING OF CONTRIBUTION RATES

The Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of the relevant index published by the Australian Bureau of Statistics as the Australian National Accounts income and expenditure in accordance with the following formula:

$$C = \left[\frac{(NWD \times A)}{ETD} + \frac{(NAD \times C)}{ETD} \right] D$$

where

C = contribution rate per ET

NWD = total estimated cost of embellishment works

ETD = total number of ET's within the catchment area

A = is the index listed in Appendix A relevant to facility or services at time of review

B = the index listed in Appendix "A" relevant to the facility or service at the time of calculation of the contribution

NAD = total estimated cost of land acquisitions for facilities

C = Consumer Price Index at the date of recalculation of the contribution

D = Consumer Price index as listed in Appendix "A".

The Council may also review the works schedule, the estimate of costs of the various public facility and services, population projections or other aspects relating to the contribution plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship between the expected types of development in the area and the demand for additional facilities to meet that development.

The Coffs Harbour Urban Development Strategy 1996 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities. This area is identified as an appropriately zoned area for residential development in the short term.

The Draft Coffs Harbour Settlement Strategy 2005 establishes the level of existing development and estimates a population of approximately 100,000 in Coffs Harbour by the year 2030. The estimates are based on occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour City Local Environmental Plan 2000.

Coffs Harbour City Council Community Services Plan 1998 specifies the community facilities required by future development.

Coffs Harbour City Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

The North Bonville DCP sets out detailed guidelines for development in North Bonville. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings.

PROVISION

The anticipated increase in population in North Bonville will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available in the area.

Table 1 in this plan lists the public facilities to be provided in North Bonville.

The Coffs Harbour Regional, District and Neighbourhood Facilities Developer Contributions Plan 1999 lists the public facilities provided for the benefit of future population in North Bonville together with future population in other catchments.

LOCATION

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such needs may be satisfied.

TIMING

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

EXISTING AND FUTURE DEVELOPMENT IN NORTH BONVILLE

North Bonville generally comprises residential accommodation with single dwellings on allotments ranging from 700m² to 16ha. The population capacity of the subdivided land within the study area is 451 people.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yields. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The housing policy promoted for the development of North Bonville is to provide for a variety of housing types which encourage a heterogeneous population. However, environmental constraints and prevailing market conditions will create a demand for low density housing forms and conventional allotments of at least 500-700m².

The projected dwelling yields for North Bonville can be explained in terms of two types of housing:

1. Conventional Housing - generally Torrens title allotments with single detached dwellings with an average allotment size of around 600m².
2. Dual Occupancy Housing - Torrens strata or community title allotments comprising duplexes or two detached dwellings with an average allotment size of around 400m².

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates. The forecast occupancy rates are shown in Table 3.

Table 3 - Occupancy Rates

Housing Type	Occupancy Rates
Lot / Large Dwelling	2.8 persons/dwelling
Small Dwelling	1.8 persons/dwelling
Seniors Living SEPP Developments (self care)	1.5 persons/dwelling

Note:
15% of housing is expected to be in the form of dual occupancy development.

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100square metres of floor area (excluding garages and balcony areas).

The total projected population of North Bonville based on these occupancy rates and projected dwelling yields, is shown in Table 4.

Table 4 - Population Projection

Housing Type	*Occ Rate	No. of Dwellings	Pop'n
Conventional	2.8	193	540
Dual Occupancy	2.8	64	180
Total		257	720

*Occupancy Rate

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 1,171 persons. This includes an existing population of 451 and an additional population of 720 to be accommodated in the release areas.

The population profile of North Bonville is initially anticipated to reflect a "developing" population model. This developing population, coupled with the existing population, is expected to have the following age characteristics:

Table 5 - Population

Age	Existing	%	New	%
0-9	76	16.8	139	19.3
10-19	82	18.2	121	16.8
20-29	32	7.0	89	12.4
30-39	71	15.8	120	16.6
40-49	85	18.9	102	14.1
50-59	48	10.7	54	7.5
60+	57	12.6	96	13.3
Total	451	100.0	720	100.0

The population is expected to have a high proportion of young families with persons of pre-school age (0-4 years), school age (5-19 years) and young to middle age adults (30-49 years).

PROPOSED PUBLIC FACILITIES

There are no community facilities proposed for North Bonville as the expected population for the area is not sufficient enough to support any new facilities. People in North Bonville will have access to the Boambee East Community Centre (north of Lyons Road)/future childcare centre.

The above community service needs are based on the population profile and standards derived from the Coffs Harbour Social Plan which represents a connection between service demand and provision for specific local facilities.

The population will contribute proportionally to the demands for certain regional facilities that could not be sustained by North Bonville in its own right.

The Coffs Harbour Regional District and Neighbourhood Facilities Contributions Plan identifies the contribution rate for regional community facilities. The Coffs Harbour Road Network and Surf Rescue Facilities Contributions Plans also apply to the release area.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities are limited within North Bonville. Within the adjoining Bongil Bongil National Park there are bike and walk trails, barbeque facilities, picnic areas and creek focus activities.

Informal recreation opportunities are provided with the nearby beaches, Bonville Creek and various bushland and reserve corridors.

IDENTIFIED NEEDS

The initial population of North Bonville is expected to reflect a developing population model with the proportion of the population under 19 years of age and in the 30-39 year age group being well above the NSW average. The lower than average proportion of the projected population in the over 60 years age group is a further indicator of the developing nature of the population.

On the basis of this population model, it is anticipated that a preference for structured sporting facilities and neighbourhood parks/playgrounds will exist. Open space facilities can be considered at a regional, district and local level.

Regional

Regional open space caters for users prepared to travel to significant distances from within and outside the Coffs Harbour local government area. These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits, and nature conservation.

Regional open space areas in the vicinity of North Bonville include the Coffs Coast Sport and Leisure Park and Solitary Islands Coastal Walkway.

Note:
Contributions for Regional Open Space are considered under a separate plan.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities. The primary use of these lands will be for organised recreation by residents of North Bonville. Council's Open Space Strategy provides standards for the provision of district sporting facilities. These standards provide a benchmark for provision of district facilities within North Bonville.

Since the expected additional population of North Bonville is only 720 people, it is not necessary to provide a centralised complex with all these facilities. Residents of North Bonville can utilise a number of the facilities available in the southern district such as Toormina playing fields, Sawtell Cricket Oval, and Hulberts Road Recreation Area.

Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

Note:
Contributions for District Open Space are considered under a separate plan.

Local

Local open space is land used primarily for localised recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

Map 2 illustrates a 500m radius around potential neighbourhood park sites to provide a measure of demand based on spatial distribution and accessibility. It is to be noted that this radius does not take into account topography and other physical constraints. On this basis, one playground would be required to meet the needs of the community.

A "general store" located adjacent to the Neighbourhood Park will assist in helping the recreation area become more of a community focus.

PROPOSED FACILITIES

The location of the neighbourhood park is shown on Map 2.

The minimum works required for neighbourhood open space are:

- playground equipment;
- park seats; and
- landscaping.

This plan also provides for street tree planting along the collector road.

Neighbourhood Park

Land acquisition, landscaping and fill, playground and park seats	\$155,000
---	-----------

Street Trees (300m, 40 trees @ \$75.00 each)	\$3,000
--	---------

TOTAL	\$158,000
-------	-----------

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{(C - L)}{P}$$

C = Cost of community facility/service

L = Less funds levied or collected to date

P = Expected population

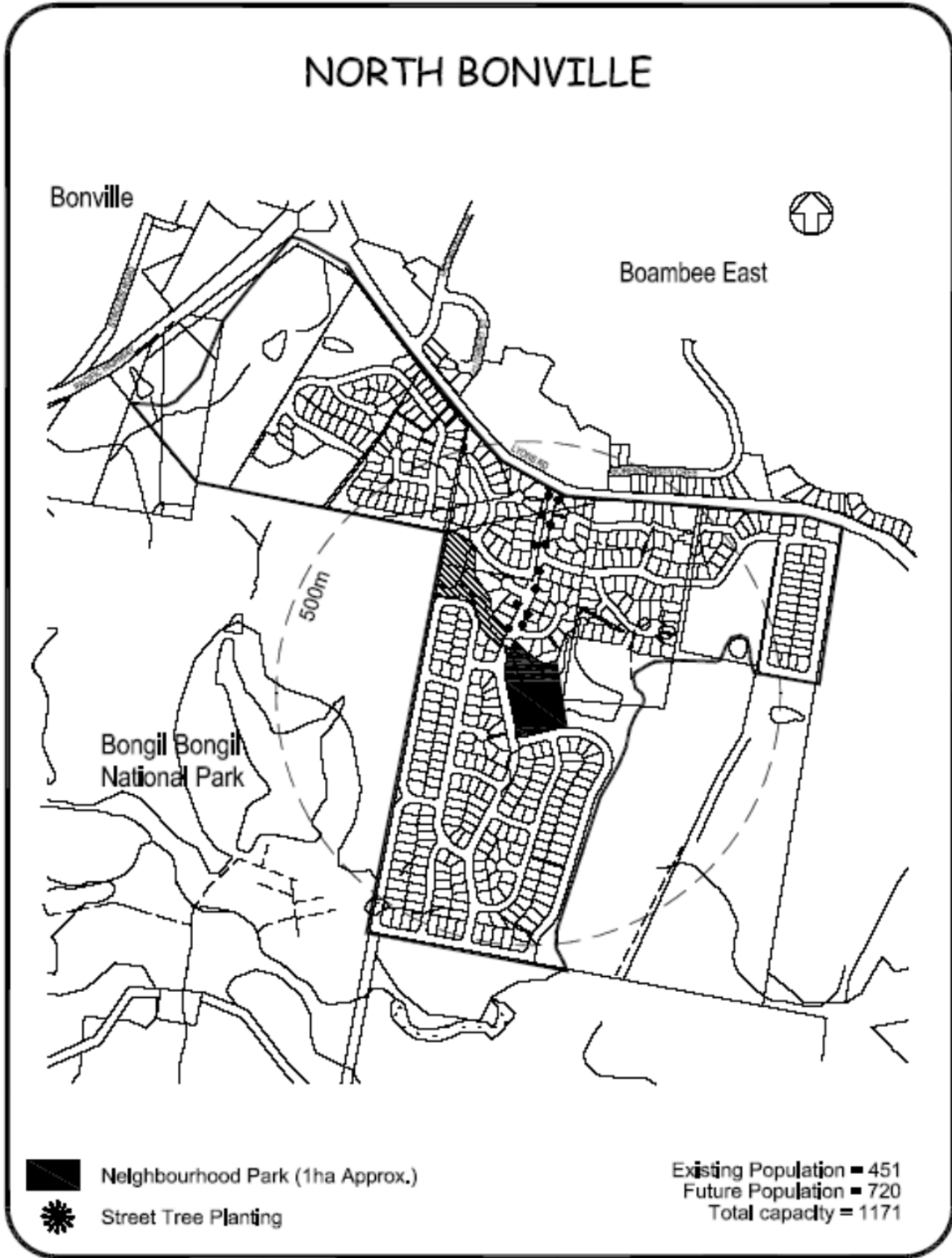
Local Facilities

$$\text{Contribution rate} = \frac{(C - L)}{P}$$

$$C = \frac{(\$158,000 - \$54,913)}{720}$$

$$= \frac{\$103,087}{720}$$

$$= \$143.18 \text{ per person}$$



MAP 2
OPEN SPACE AND RECREATION

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through North Bonville recognises the dependence on the motorcar, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for a bus service.

EXISTING FACILITIES

Access to North Bonville is obtained from Lyons Road with the Pacific Highway being the westerly boundary of the study area.

IDENTIFIED NEEDS

The transport demands within North Bonville can be categorised in terms of the road network, public transport and pedestrian/bicycle network.

Road Network

A road hierarchy has been established classifying roads as collector or local roads in accordance with their functional characteristics. The road network will be governed by the collector road which has been established to reduce the number of access points on to Lyons Road and ensure the safe movement of vehicles and pedestrians.

This contribution plan provides for the development of the collector road and associated traffic management measures. The collector road will be constructed from Lyons road in a southerly direction for approximately 200 metres. As this section of road is the major access for all future lots, all lots will be required to contribute towards the construction of the collector road and Lyons Road intersection works.

Local roads will be at the expense of the developer.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those less than 17 years of age. Opportunities for public transport within North Bonville are limited to the provision of a possible bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters and seats. It is proposed to provide bus shelters/seats along the collector road which has the highest frequency of use. A total of three shelters will be provided.

Pedestrian and Bicycle Ways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys. The proposed routes are identified in Map 3 and have been designed to relate to the need for access to the neighbourhood park, surrounding recreational facilities and shops.

Pedestrian and cycle routes are to be provided in the form of on-road footpaths/cycleways on low order local roads and off-road footpaths/cycleways on the collector road. In addition, cycle refuge lanes are also to be provided on Lyons Road and on the collector road.

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities, which will be funded using Section 94 contributions on the basis of the local and district facilities.

Collector Road	
First 200m of restricted access Road, plus intersection construction at Lyons Road	\$750,000
Traffic Management	
Cycle & pedestrian paths	\$277,650
No right-turn barrier (at minor entrance) @ \$10,000 \$30,000	
3 Bus Shelters @ \$15,000 each	\$45,000
Refuge for bicycles on Lyons Road 2 unit @ \$12,000/unit	\$24,000
Route lighting 200m @ \$35 per metre	\$7,000
15% design and supervision	\$170,047
15% contingencies	\$195,555
TOTAL	\$1,499,252

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

C = Cost of community facility
 L = Less funds levied or collected to date
 P = Expected population

$$C = \$1,499,252$$

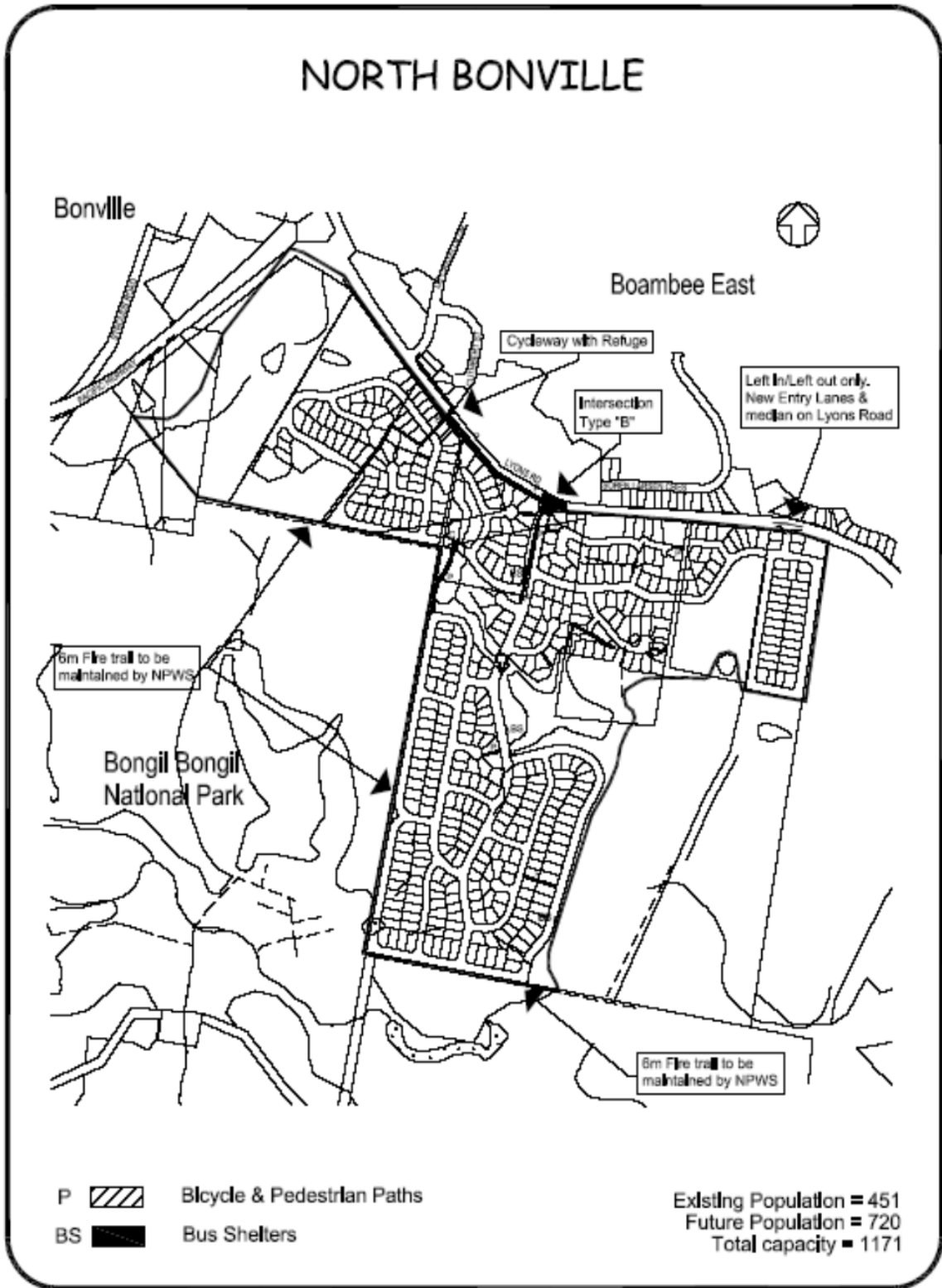
$$L = \$388,632$$

$$P = 720$$

$$= \frac{(\$1,499,252 - \$388,632)}{720}$$

$$= \frac{\$1,110,620}{720}$$

$$= \$1,542.53 \text{ per person}$$



MAP 3
TRAFFIC & TRANSPORT STRATEGY

STORMWATER MANAGEMENT

EXISTING FACILITIES

There is no existing stormwater drainage infrastructure for North Bonville. North Bonville forms part of the catchment of Bonville Creek. It is important to minimise the impact of new development upon the receiving waters of Bonville Creek.

IDENTIFIED NEEDS

Water Quality

The contribution plan only allows for the provision of a wetland and coarse sediment and gross pollutant traps; filter strips will be required for each site as part of the development (refer Map 4).

PROPOSED FACILITIES

The following facilities are required:

Water Quality

Wetland (including acquisition)	\$250,000
Coarse sediment and gross pollutant traps	\$80,000
TOTAL	\$330,000

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate:

$$\text{Contribution rate} = \frac{(C - L)}{P}$$

- C = Cost of community facility/service
- L = Less funds levied or collected to date
- P = Expected population

$$\frac{(\$330,000 - 57,814)}{720}$$

$$= \$378.03 \text{ per person}$$

URBAN PLANNING

PLANS AND STUDIES

Section 94 of the Environmental Planning and Assessment Act allows the recoupment of costs for the preparation of the DCP, this Contribution Plan and associated studies. The cost of studies and the plan is as follows:

Water quality study	\$10,000
Development Control Plan	\$10,000
TOTAL	\$20,000

CALCULATION OF CONTRIBUTION RATE

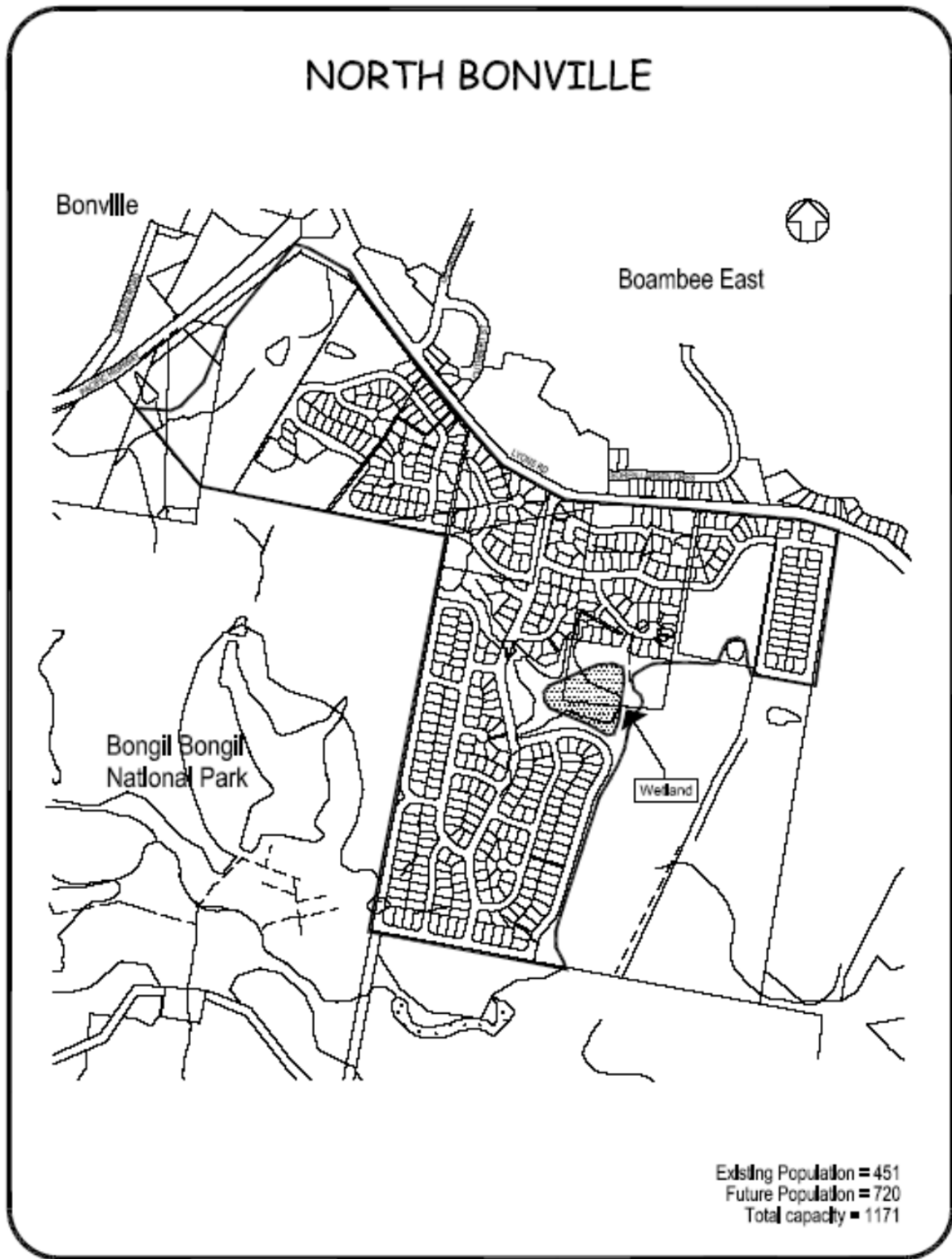
The following formula is used to calculate the contribution rate:

$$\text{Contribution rate} = \frac{C}{P}$$

- C = Cost of studies/plans
- P = Expected population
- L = Less funds levied or collected to date

$$= \frac{(\$20,000 - \$7,570)}{720}$$

$$= \$17.26 \text{ per person}$$



MAP 4
STORMWATER MANAGEMENT & DRAINAGE

APPENDIX A - INDICES

CONTRIBUTION TYPE	INDEXATION BASIS	DATE APPLIED	INDEX
Roads/Traffic Management	PGFCE General Government State and Local Roads	March 2005	121.22
Buildings/Embellishment	PGFCE Non Dwelling Construction Non Dwelling Buildings	March 2005	119.96
Land Acquisition	Consumer Price Index	September 2003	142.40
Stormwater	PGFCE General Government State and Local Roads	March 2005	121.22

Notes:

- *PGFCE = Public Gross Fixed Capital Expenditure*
- *Statistics Issued by Australian Bureau of Statistics*

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 10

PARK BEACH AREA

**Development Contributions
Plan 2013**

DRAFT



TABLE OF CONTENTS

PART 1 – SUMMARY SCHEDULES

EXECUTIVE SUMMARY 1

DATE OF COMMENCEMENT OF THE PLAN 1

SUMMARY OF CONTRIBUTION RATES..... 2

PART 2 – ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN 3

PURPOSE OF THE PLAN 3

AREA TO WHICH THE PLAN APPLIES..... 3

RELATIONSHIP TO OTHER PLANS AND POLICIES 3

FORMULA FOR DETERMINING CONTRIBUTIONS..... 3

TIMING OF PAYMENT OF CONTRIBUTIONS 4

DEFERRED OR PERIODIC PAYMENT 4

EXEMPTIONS 5

POOLING OF FUNDS..... 5

REVIEW OF CONTRIBUTION RATES 5

PART 2 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND
DEMAND FOR ADDITIONAL PUBLIC FACILITIES 7

CAUSAL NEXUS..... 7

PHYSICAL NEXUS..... 7

TEMPORAL NEXUS..... 8

COST OF WORKS 8

APPENDICES

A - STANDARD EQUIVALENT TENEMENT FIGURES..... 11

PART 1 – SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The Park Beach Development Control Plan makes provision for multi-unit housing and tourist accommodation development at Park Beach.

As a consequence of this additional development and having regard to the level of facilities already available, it will be necessary to provide:

- Open space and recreation facilities
- Traffic facilities
- Footpaths
- Car parking

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the contribution rates applying to the different forms of development in Park Beach. Appendix "B" includes additional contribution rates that apply to various other forms of development.

Table 2 summarises the costs of the identified public facilities.

DATE OF COMMENCEMENT OF THE PLAN

This plan came into operation on 28 August 2006. This Plan was amended on 24th April 2008, and again on XX/XX/XXXX.

Table 1 – Summary of Contributions

Service/Facility	Net Cost to be Levied \$	Per Person \$	Per Small Dwelling \$	Per Large Dwelling \$	Per Car Park \$	Per SEPP Seniors Living Dwelling (self cared) \$
Traffic Facilities	57,000	126.66	227.99	354.64		189.99
Open Space	375,200	833.78	1,500.80	2,334.58		1,250.67
Car Parking	208,000				4,000	

Notes:

1. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
2. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
3. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).
4. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
5. Additional contribution rates for various other types of development are included in this plan at annexure "A"

Table 2 – Schedule of Works, Staging and Expenditures

Works Required	Estimated Capital Cost \$	Estimated Staging
Traffic Facilities	57,000	Progressively as funds become available
Open Space	375,200	Progressively as funds become available
Car Parking	208,000	As funds become available

PART 2 ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment (EPA) Act 1979 and may be referred to as the Park Beach Area Developer Contributions Plan 2013.

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the EPA Act is as set out below.

PURPOSE OF THE PLAN

The purpose of this plan is to enable Council to require a contribution towards the provision of car parking, traffic facilities, and other public amenities in the Park Beach Area

Car Parking Facilities

$$\text{Contribution} = \frac{C}{S}$$

Where:

C = Cost of construction of the car parking facilities

S = total number of car parking spaces to be provided to meet the projected increase in demand

AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within the Park Beach Area as shown in Map 1.

Open Space & Traffic Facilities

$$\text{Contribution} = \frac{C}{P}$$

Where:

C = Cost of construction of the car parking facilities

P = Future population

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supplements Coffs Harbour City Local Environmental Plan 2000 and the Draft Park Beach Area Development Control Plan.

This Plan also supplements the Off Street Car Parking Development Control Plan.

This Plan should be read in conjunction with other contributions plans that may apply to the Park Beach Area as defined in Map 1.

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of contributions should be finalised at the following stages:

- development consents involving building work – prior to the release of the construction certificate; and
- development consents where no construction certificate is required – at time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the car parking facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the car parking facility in accordance with the adopted works schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- The deferment will be for a fixed period not exceeding six months from the date the contribution becomes due;
- The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.
- Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "*appropriate rate of interest*" means the seven year local government interest borrowing rate applicable from time to time, and "*appropriate institution*" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

REVIEW OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the car parking.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

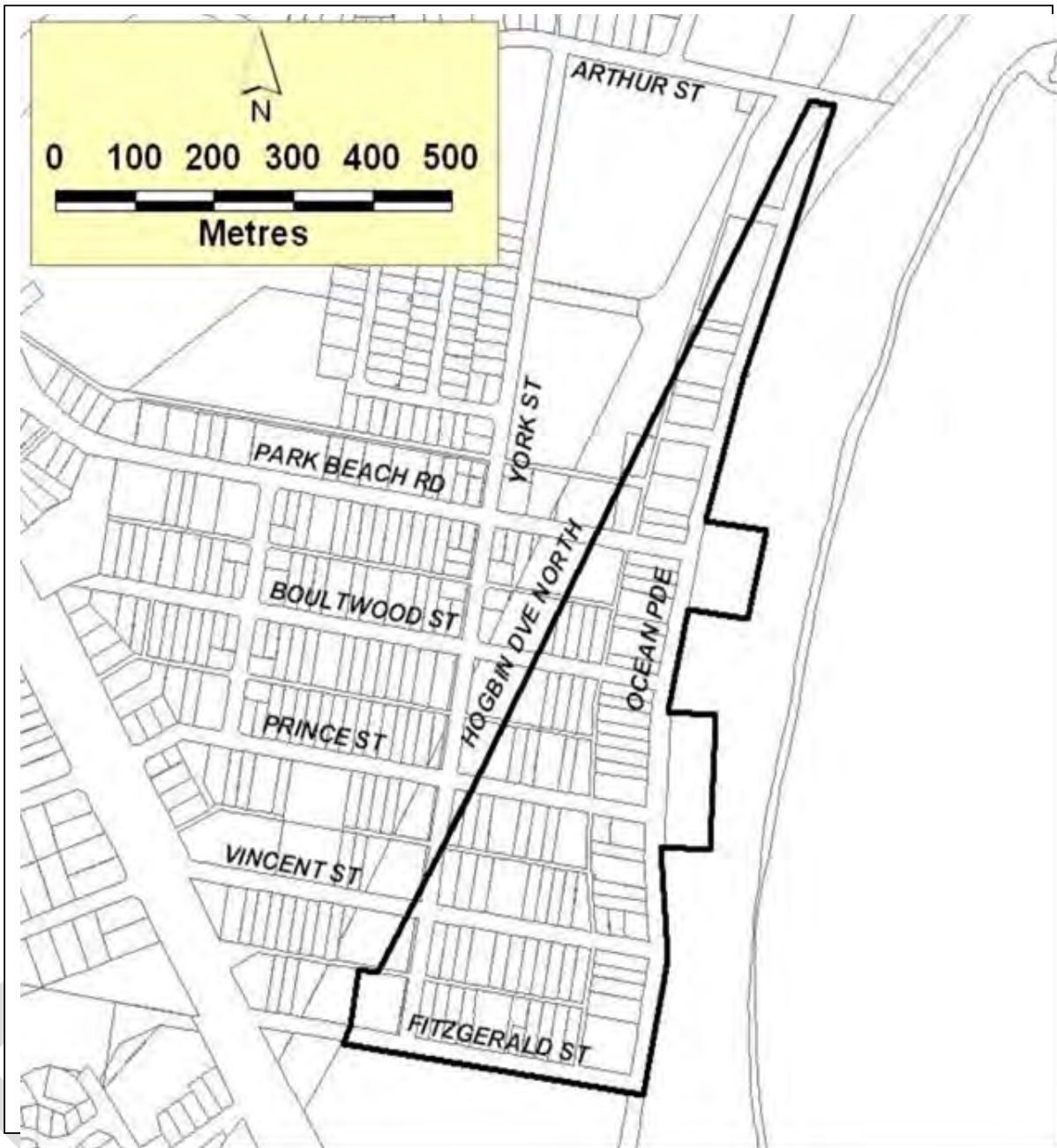
Previous index is the Consumer Price index as listed in Table 3 or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the

facilities, or other aspects relating to the contribution plan.

Table 3
Indexing Factors for

Contribution Type	Indexation Basis	Index	Date Applied
Car parking	CPI	152.2	Jan. 2006
Footpaths	CPI	152.2	Jan. 2006
Open Space	CPI	152.2	Jan. 2006
Traffic Facilities	CPI	152.2	Jan. 2006



MAP 1 - AREA TO WHICH THE PLAN APPLIES

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The Coffs Harbour draft Sustainable Settlement Strategy estimates that there will be infill development within the Coffs Harbour area to accommodate around 3,000 people.

Having regard to the zonings applicable to the catchment, it is estimated development will occur to allow a further 1,000 people to reside in the catchment.

Additionally the Park Beach Development Control Plan provides for a strategy that will encourage "mixed use" type developments which may include activities such as restaurants and retail outlets, or general stores designed to meet the needs of residents and tourists alike.

Occupancy Rates

DWELLING TYPE	OCCUPANCY RATE
Large Dwelling	2.8
Small dwelling	1.8
Seniors Living SEPP dwelling (self care)	1.5

Source: ABS census figures

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

CAUSAL NEXUS

This anticipated increase in population will place greater demands on existing public facilities and require the provision of new public facilities within the release area. This plan provides for additional footpaths, traffic calming measures, and passive recreation facilities that are required as a result of an anticipated increase in local and tourist activity.

The introduction of additional "mixed use" developments will place pressure on existing car parking. This contributions plan provides funding for convenient public car parking spaces within the Park Beach Area.

Existing public parking within the Park Beach Area can be categorized into one of the two following categories:

- on-street parking;
- off-street parking.

Demand

The demand for parking space can be estimated using the parking demand standards for retail and commercial development provided in the Coffs Harbour City Council Car Parking Development Control Plan. This plan estimates a demand of one space per 23m² of retail floor space and one space per 40m² of commercial floor space.

A proportion of the demand for car parking generated as a result of increased "mixed use" development will need to be provided on-site. However, Council will accept a contribution from the developer in lieu of on-site car parking spaces where the provision for on-site parking will adversely affect the viability and/or integrity of the proposed development, and conflict with the intentions of the Park Beach Development Control Plan. Each proposal will be assessed on its merit.

PHYSICAL NEXUS

Map 2 identifies the location of proposed footpaths, open space facilities, traffic calming and car parking facilities within the Park Beach Area. Studies have indicated that capacity exists for the provision of additional parking of 20 spaces in Foster Street, and 32 spaces on Ocean Parade. These locations are positioned to achieve the most cost effective option and provide easy access.

TEMPORAL NEXUS

The location of proposed facilities has been determined having regard to existing facilities, and the future needs of the additional population.

Car parking facilities required as a consequence of anticipated development of "mixed use" type developments are included in the works schedule. Timing for the provision of these works is based on the commercial/retail floor space development with an additional 52 spaces provided for under this plan.

CAR PARKING

In terms of parking supply, the majority of existing parking for 'mixed use' type developments consists of on-street parking.

The Coffs Harbour City Off-Street Car Parking Development Control Plan requires the provision of parking spaces on development sites to meet the full demand, generated by each development. Where this parking space cannot be provided on-site Council will accept a contribution for car parking. This contribution is put towards the parking sites shown in Map 2 and forms part of Council's Contributions Plan. The Contributions Plan provides for the following Schedule of Works.

Table 4
Schedule of Works

Location	No. of Spaces	Estimated Cost (\$)
Foster Street	20	80,000
Ocean Parade	32	128,000

COST OF WORKS

The total cost of works for the Foster Street and Ocean Parade parking is the construction of the facilities which is estimated at \$208,000. This will include the following works:

- excavation of subgrade;
- gravel pavement surfacing;
- drainage works;
- bitumen surfacing;
- linemarking and signage
- Landscaping

Therefore, the contribution rate can be calculated as follows:

$$\begin{aligned} \text{Contribution} &= \frac{\text{Total Cost of Works}}{\text{Number of parking spaces}} \\ &= \frac{\$208,000}{52} \\ &= \$4,000.00 \end{aligned}$$

TRAFFIC FACILITIES

It is envisaged that increased usage of foreshore reserves and beach access will create additional pedestrian movement within the area.

Traffic calming measures are to be installed along Ocean Parade to enhance the safety of pedestrian traffic. Additional street lighting is also required to enhance safety.

The cost of these works is estimated to be \$57,000.

The contribution towards these works can be calculated as follows:

$$\begin{aligned} \text{Contribution} &= \frac{\text{Total Cost of Works}}{\text{Future population}} \\ C &= \frac{\$57,000}{450} \end{aligned}$$

Contribution per person \$126.66

OPEN SPACE FACILITIES

A new amenities block is to be provided in the beach reserve. Footpath linkages to Macauleys Beach, and through Foster Street are included. Minor street tree planting in Foster Street and Ocean Parade are also planned.

The cost of these works is estimated to be as follows:

Amenities Block	\$200,000
Street Lighting	\$35,000
Footpath Construction	\$135,200
Street Trees	\$5,000
Total Cost of works	\$375,200

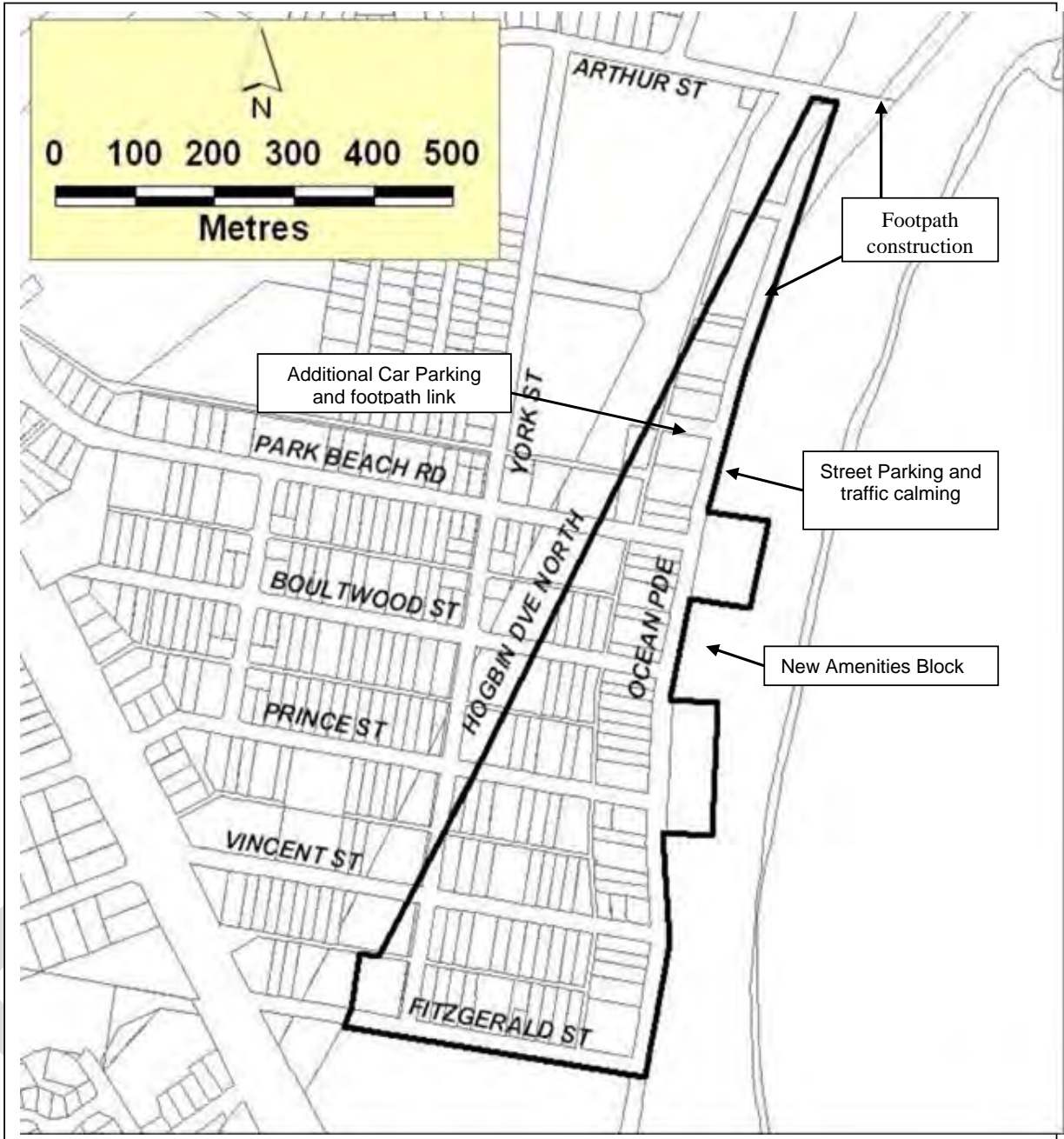
The contribution towards these works can be calculated as follows:

$$\text{Contribution} = \frac{\text{Total Cost of Works}}{\text{Future population}}$$

$$C = \frac{\$375,200}{450}$$

Contribution per person \$833.78

MAP 2
PARK BEACH AREA PROPOSED FACILITIES



APPENDIX A – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000

Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013



Attachment 11

SOUTH COFFS

Developer Contributions Plan 2013

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary	1
Summary of Contribution Rates.....	1
Date of Commencement of the Plan	1

PART 2 - ADMINISTRATION AND ACCOUNTING

Name of the Plan	3
Purpose of the Plan	3
The Area to which the Plan Applies	3
Relationship to other Plans and Policies	3
How the Plan Operates	3
Formula for Determining Contributions	5
Timing of Payment of Contributions.....	5
Deferred or Periodic Payment.....	5
Works in Kind	6
Pooling of Funds	6
Exemptions.....	6
Indexing of Contribution Rates.....	6

PART 3 - STRATEGY PLANS

Relationship between Expected Development and Demand for Additional Public Facilities	7
Existing and Future Development in South Cooffs	7
Projected Dwelling Yield	8
Proposed Public Facilities	9
Open Space and Recreation	9
Transport and Traffic Management.....	13

APPENDICES

A Indices.....	16
B Standard Equivalent Tenement Schedule	17

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The South Coffs Development Control Plan (DCP) makes provision for further residential expansion in the order of 328 additional lots accommodating approximately 886 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available, it will be necessary to provide open space and recreation facilities and transport and traffic facilities;

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the costs of the identified public facilities.

Table 2 summarises the contribution rates applying to the different forms of development in South Coffs. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 28 May 2009. This Plan was amended on XX/XX/XXXX

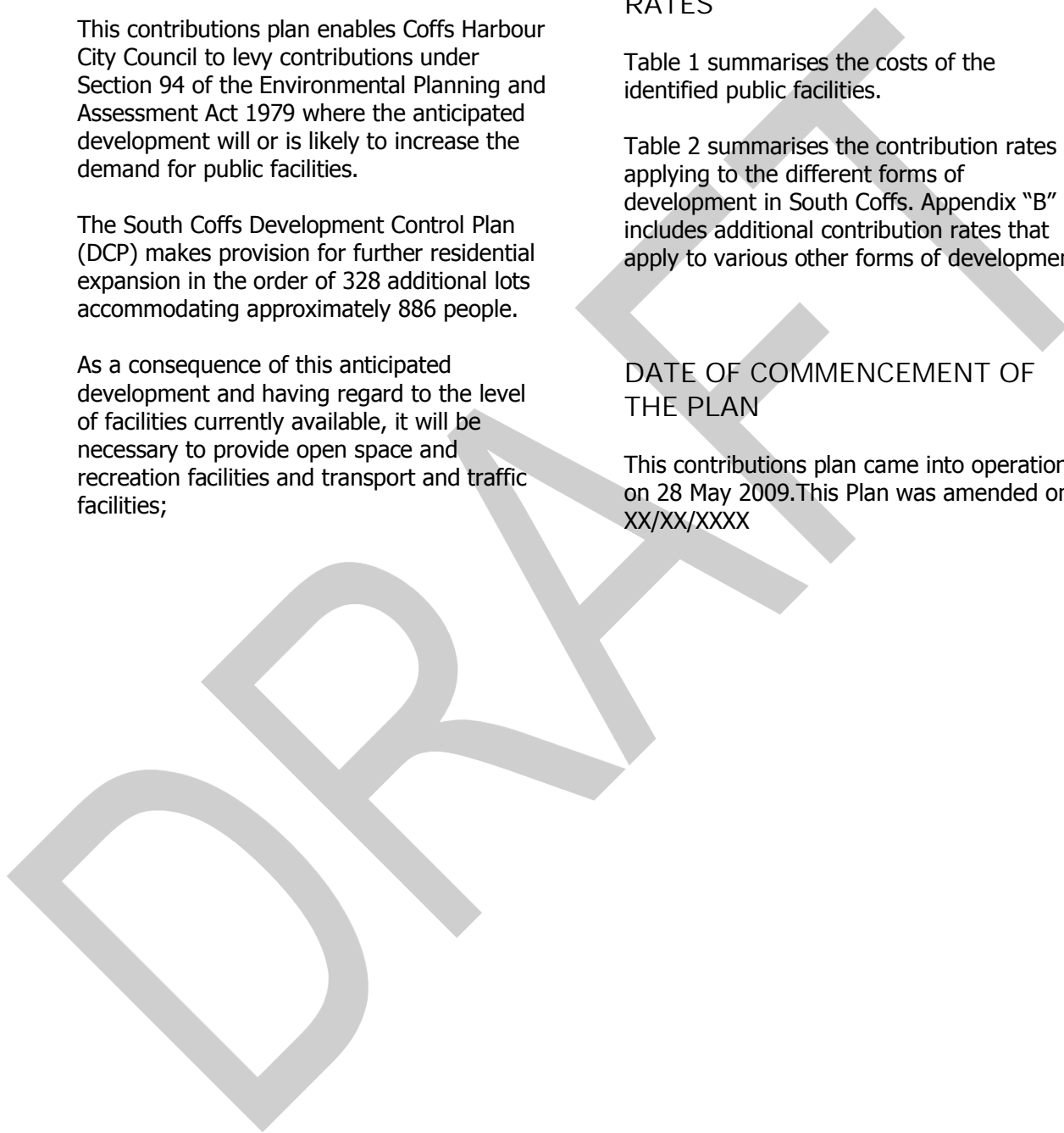


Table 1 - Summary Cost by Land Use

Public Facility	Total Cost \$	Net Cost to be Levied \$
Open Space & Recreation Neighbourhood Park	120,000	120,000
Transport and Traffic	1,835,655	1,710,635

Table 2 - Summary of Contributions

Service/Facility	Net Cost to be Levied \$	Per Person \$	Per Lot / ET/ Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Open Space & Recreation	120,000	135.44	365.69	243.79	203.16
Transport and Traffic	1,710,635	1,930.74	5,213.00	3,475.33	2,896.11
Total	1,903,143	2,066.18	5,588.69	3,719.12	3,099.27

Notes:

1. In addition to the above the relevant contribution rates for Regional, District and Neighbourhood open space and community facilities, Surf Rescue Facilities, the Coffs Harbour Road Network, and the Coffs Harbour Water Supply and Wastewater Development Services Plans will also apply.
2. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
3. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
4. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
6. Additional contribution rates for various other types of development are included in this plan at annexure "B"

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 and may be referred to as the South Coffs Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act, 1979 to enable Council to require a contribution towards the provision, extension or augmentation of public facilities and services. These facilities and services are required as a consequence of development in the area or have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided in South Coffs as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a detailed strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout South Coffs.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within South Coffs as described on Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supplements the Coffs Harbour City Local Environmental Plan 2000 and the Development Control Plan applying to South Coffs. This plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013, the Coffs Harbour Road Network Contributions Plan 2013, the Surf Rescue Facilities Contributions Plan 2013, and other contributions plans that may apply to the area.

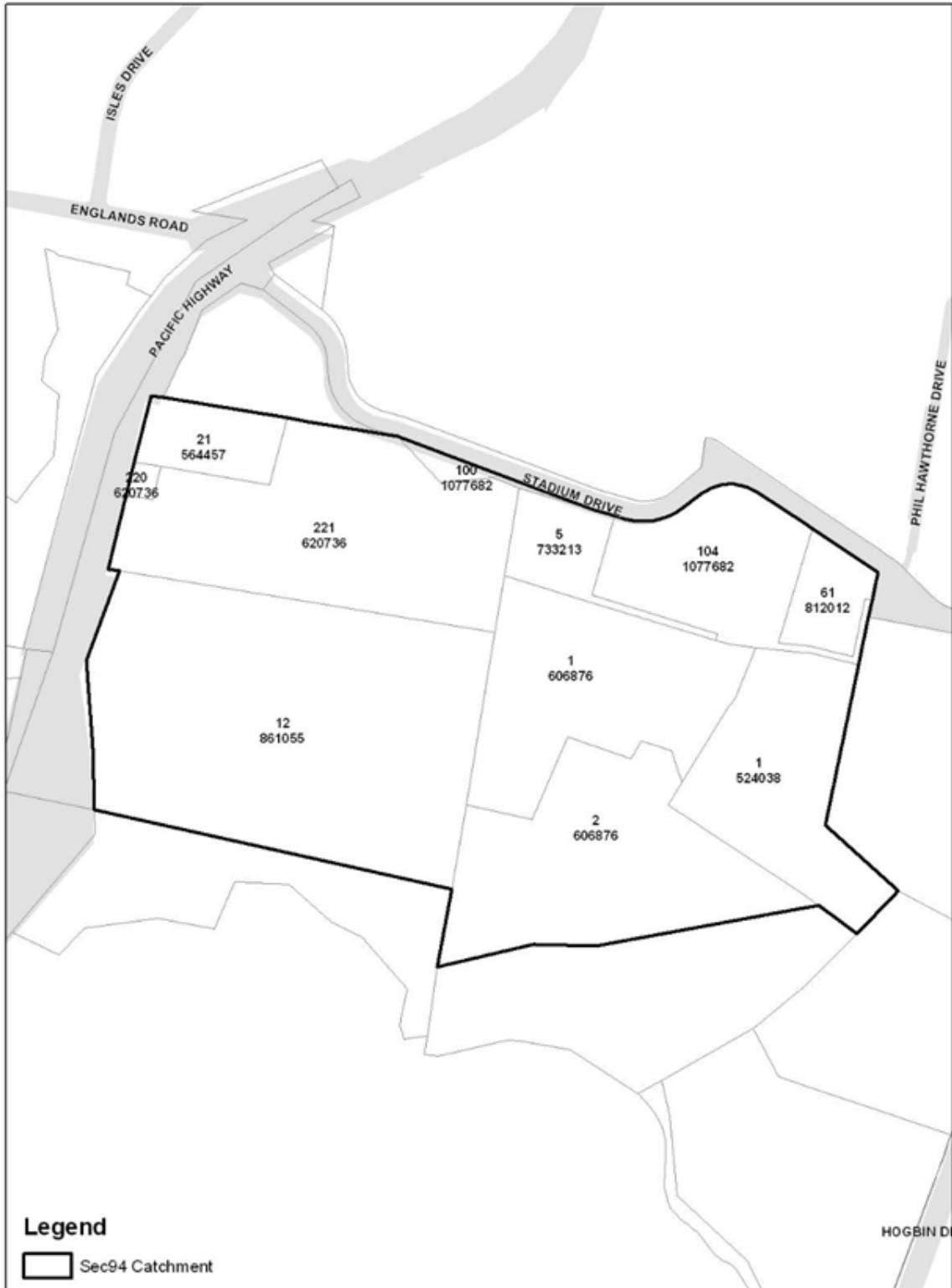
This plan does not include contributions under Section 27 of the Water Supply Authorities Act 1987 for water and wastewater services. Please consult Council in relation to these contributions.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.

MAP 1
SOUTH COFFS RELEASE AREA



South Coffs
Development Control Plan



FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below.

$$\text{Contribution per person} = \frac{C}{P}$$

Where:

C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received

P = future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to the release of the linen plan;
- development consents involving building work - prior to the release of the construction certificate; and
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operations of this plan; and
- the provision of the public facility or service in accordance with the adopted works schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- the deferment will be for a fixed period not exceeding six months from the date the contribution becomes due;
- the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding at the appropriate rate of interest;
- payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution; and
- deferments will not be granted based on progressive sales of land.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

- RC = Revised contribution rate per ET applicable at the time of payment
- C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Table 3 or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the facilities, or other aspects relating to the contributions plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship between the expected types of development in the area and the demand for additional facilities to meet that development.

The Coffs Harbour “Our Living City Settlement Strategy” identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities. The South Coffs Release Area is identified as an appropriate area for residential development in the short term.

Coffs Harbour City Council Social and Community Strategic Plan 2006 identifies existing community facilities and services and highlights a range of community facilities and services required for the existing and future population.

The South Coffs DCP sets out detailed guidelines for development in South Coffs. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings.

PROVISION

The anticipated increase in population in South Coffs will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available in the area.

Table 1 in this plan lists the public facilities to be provided in South Coffs.

The Coffs Harbour Regional, District and Neighbourhood Facilities Developer Contributions Plan 2013 lists the public facilities provided for the benefit of future population in South Coffs together with future population in other catchments.

LOCATION

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such needs may be satisfied.

TIMING

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

EXISTING AND FUTURE DEVELOPMENT IN SOUTH COFFS

South Coffs is a new release area which has a minimal existing population due to the area previously being zoned Rural 1(A). The future population for the release area is estimated to be 803 people.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yields. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The housing policy promoted for the development of South Coffs is to provide for a variety of housing types which encourage a heterogeneous population. However, environmental constraints and prevailing market conditions will create a demand for low density housing forms and conventional allotments of at least 500-700m².

The projected dwelling yields for South Coffs can be explained in terms of two types of housing:

1. Conventional Housing - generally Torrens title allotments with single detached dwellings with an average allotment size of around 600m².
2. Dual Occupancy Housing - Torrens strata or community title allotments comprising duplexes or two detached dwellings with an average allotment size of around 400m².

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates. The forecast occupancy rates are shown in Table 3.

Table 3 - Occupancy Rates

Housing Type	Occupancy Rates
Lot / Large Dwelling	2.7 persons/dwelling
Small Dwelling	1.8 persons/dwelling
Seniors Living SEPP Developments (self care)	1.5 persons/dwelling

Note:
10% of housing is expected to be in the form of dual occupancy development.

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

The total projected population of South Coffs based on these occupancy rates and projected dwelling yields, is shown in Table 4.

Table 4 - Population Projection

Housing Type	*Occ Rate	No. of Dwellings	Pop'n
Conventional	2.7	268	724
Dual Occupancy	2.7	60	162
Total		328	886

*Occupancy Rate

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 886 persons.

The population profile of South Coffs is initially anticipated to reflect a "developing" population model. This developing population, is expected to have the following age characteristics:

Table 5 - Population

Age	New	%
0-9	171	19.3
10-19	149	16.8
20-29	110	12.4
30-39	147	16.6
40-49	125	14.1
50-59	66	7.5
60+	118	13.3
Total	886	100.0

The population is expected to have a high proportion of young families with persons of pre-school age (0-4 years), school age (5-19 years) and young to middle age adults (30-49 years).

PROPOSED PUBLIC FACILITIES

There are no community facilities proposed for South Coffs as the expected population for the area is not sufficient enough to support any new facilities. People in South Coffs will have access to the Boambee East Community Centre, located at Bruce King Drive.

Provision of land within the catchment zoned 3F – Business neighbourhood will allow development of a neighbourhood business centre including shops that can service the needs of the additional population.

The population will contribute proportionally to the demands for certain regional facilities that could not be sustained by South Coffs in its own right.

The Coffs Harbour Regional District and Neighbourhood Facilities Contributions Plan 2008 identifies the contribution rate for regional community facilities. The Coffs Harbour Road Network and Surf Rescue Facilities Contributions Plans also apply to the release area.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities are provided at the Coffs Coast Sport & Leisure Facility which is located to the north of the release area.

Informal recreation opportunities are provided with the nearby beaches, Boambee Creek and various bushland and reserve corridors.

IDENTIFIED NEEDS

The initial population of South Coffs is expected to reflect a developing population model with the proportion of the population under 19 years of age and in the 30-39 year age group being well above the NSW average. The lower than average proportion of the projected population in the over 60 years age group is a further indicator of the developing nature of the population.

On the basis of this population model, it is anticipated that a preference for structured sporting facilities and neighbourhood parks/playgrounds will exist. Open space facilities can be considered at a regional, district and local level.

Regional

Regional open space caters for users prepared to travel to significant distances from within and outside the Coffs Harbour local government area. These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits, and nature conservation.

Regional open space areas in the vicinity of South Coffs include the Coffs Coast Sport and Leisure Park and Solitary Islands Coastal Walkway.

Note:
Contributions for Regional Open Space are considered under a separate plan.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities. The primary use of these lands will be for organised recreation by residents of South Coffs. Council's Open Space Strategy provides standards for the provision of district sporting facilities. These standards provide a benchmark for provision of district facilities within South Coffs.

Since the expected additional population of South Coffs is only 886 people, it is not necessary to provide a centralised complex with all these facilities. Residents of South Coffs can utilize a number of the district facilities available throughout the Coffs Harbour urban area.

Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

Note:
Contributions for District Open Space are considered under a separate plan.

Local

Local open space is land used primarily for localised recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

Map 2 indicates the proposed location of a neighbourhood park site which is considered to be centrally located to best meet the demands of the future population.

Proposed Facilities

The location of the neighbourhood park is shown on Map 2.

The minimum works required for neighbourhood open space are:

- playground equipment;
- park seats; and
- landscaping.

Neighbourhood Park

Playground
Embellishment including
landscaping and park furniture \$120,000

TOTAL \$120,000

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{C}{P}$$

C = Cost of community facility/service

P = Expected population

Local Facilities

$$\text{Contribution rate} = \frac{C}{P}$$

$$= \frac{\$120,000}{886}$$

$$= \$135.44 \text{ per person}$$

MAP 2
OPEN SPACE AND RECREATION NEIGHBOURHOOD PARK



South Cofts
Development Control Plan

N
1:5,000

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through South Coffs recognizes the dependence on the motorcar, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for a bus service.

EXISTING FACILITIES

Access to South Coffs is obtained from Stadium Drive which provides access to the Pacific Highway in the west and Hogbin Drive in the east.

IDENTIFIED NEEDS

The transport demands within South Coffs can be categorised in terms of the road network, public transport and pedestrian/bicycle network.

Road Network

A road hierarchy has been established classifying roads as collector or local roads in accordance with their functional characteristics. The road network will be governed by the collector road which has been established to provide for satisfactory vehicular movements into and out of the release area, and also to provide adequate road widths for movement of buses.

This contribution plan provides for the development of sections of the collector road and associated traffic management measures. The collector road will be constructed from the western access point to the catchment and looping around to the eastern access point in the catchment. Intersection treatment works will be required at both access points. The intersection works will be fully funded from contributions. The collector road is to be of an 11 metre standard width.

Where the Collector road traverses a development parcel the developer will be required to fund a fully constructed eight metre carriageway with the additional three metres of carriageway being funded from contributions. 15% of value of the land required for this portion of the collector road will be funded from contributions based on the need for the road reserve being increased from 17 metres for local roads to 20 metres wide for the collector road.

Map 3 identifies those sections of the collector road and associated infrastructure to be funded by contributions.

All lots within the catchment will be required to pay a contribution towards the costs of the additional three metre width of the proposed collector road to be funded under this Plan.

Local roads will be at the expense of the developer.

This plan also provides for street tree planting along the collector road.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those less than 17 years of age. Opportunities for public transport within South Coffs are limited to the provision of a possible bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters and seats. It is proposed to provide bus shelters/seats along the collector road. A total of two shelters will be provided.

Pedestrian and Bicycle Ways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys.

Pedestrian and cycle routes are to be provided in the form of on-road footpaths/cycleways on low order local roads and off-road footpaths/cycleways on the collector road. In addition a pedestrian/cycleway along Stadium Drive is to be provided to facilitate safe access to the release area for pedestrians and cyclists.

The proposed routes are identified in Map 3 and have been designed to relate to the need for access to the neighbourhood park, surrounding recreational facilities and shops.

PROPOSED FACILITIES

The following schedule summarizes the traffic and transport facilities, which will be funded via Section 94 contributions.

Collector Road

Upgrade of two intersections on Stadium Drive \$400,000

Part width construction of collector road including land acquisition \$451,386

Traffic Management

Cycle & pedestrian paths \$375,000

2 Bus Shelters @ \$15,000 each \$30,000

Street tree planting \$8,200

Route Lighting 820m @ \$35 per metre \$28,700

15% design and supervision \$202,247

15% contingencies \$232,584

TOTAL \$1,710,635

CALCULATION OF CONTRIBUTION RATE

The contribution rate is calculated as follows:

C = Cost of Transport and Traffic facilities

P = Expected population

C = \$1,710,635

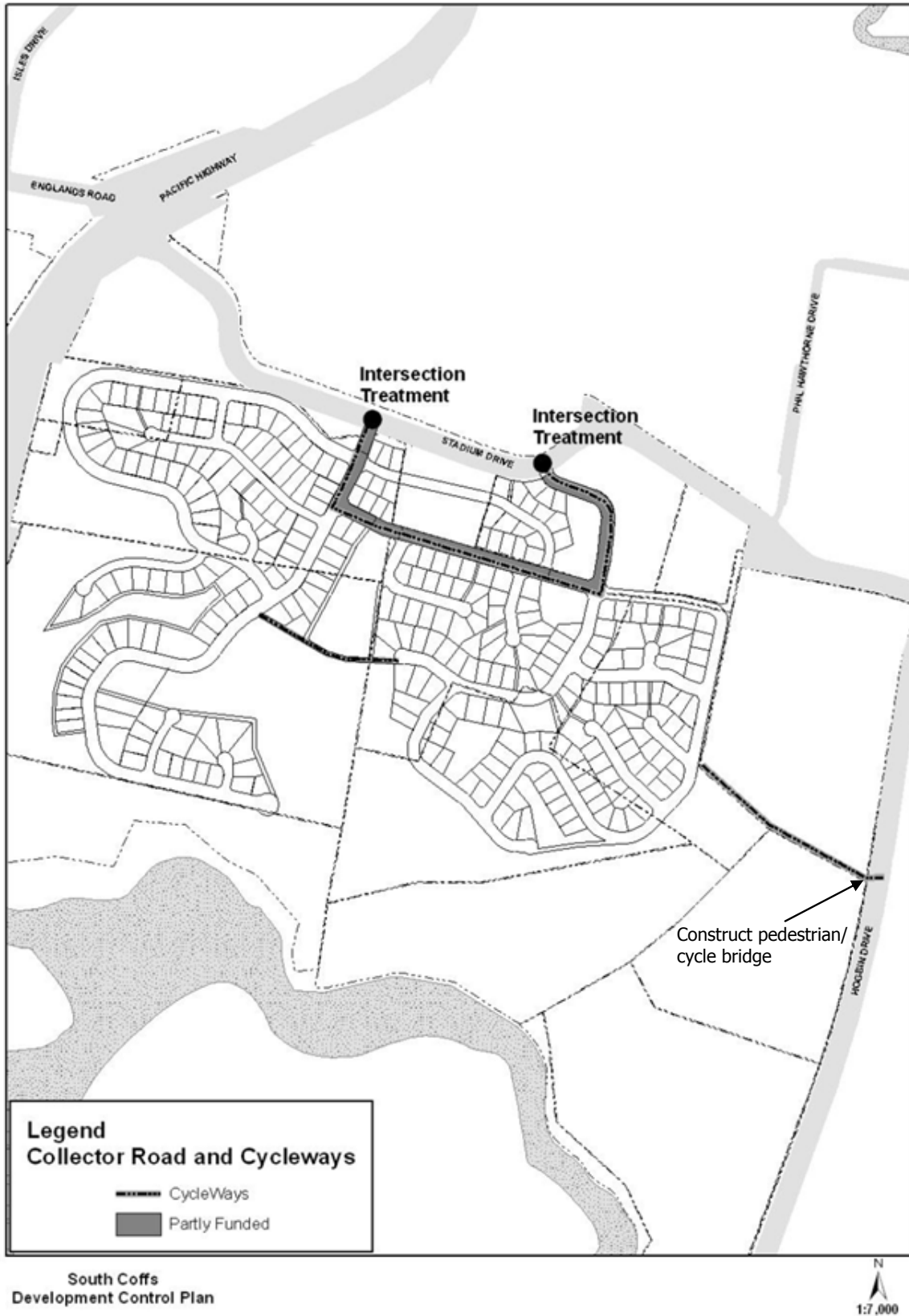
P = 886

= $\frac{\$1,710,635}{886}$

886

= \$1,930.74 per person

MAP 3
TRAFFIC & TRANSPORT STRATEGY



APPENDIX A - INDICES

CONTRIBUTION TYPE	INDEXATION BASIS	DATE APPLIED	INDEX
Roads/Traffic Management	Consumer Price Index All Groups – "Sydney"	June 2008	164.1
Open Space	Consumer Price Index All Groups – "Sydney"	June 2008	164.1

Notes:

- *Indices are issued by Australian Bureau of Statistics*

DRAFT

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licenced	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicenced	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website: www.coffsharbour.nsw.gov.au

DRAFT

As reported to Council 24 April 2013



Attachment 12

WEST COFFS HARBOUR

Developer Contributions
Plan 2013

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES

Executive Summary.....	1
Summary of Works Schedule	1
Summary of Contribution Rates.....	1
Date of Commencement of the Plan	1

PART 2 - ADMINISTRATION AND ACCOUNTING

Name of the Plan.....	6
Purpose of the Plan.....	6
The Area to which the Plan Applies.....	6
Relationship to Other Plans and Policies.....	6
How the Plan Operates.....	7
Formula for Determining Contributions	7
Timing of Payment of Contributions.....	7
Deferred or Periodic Payments	7
Exemptions	8
Works in Kind	8
Pooling of Funds.....	8
Indexing of Contribution Rates.....	8

PART 3 - STRATEGY PLANS

Relationship between expected Development and Demand for Additional Public Facilities.....	9
Existing and Future Development in West Coffs Harbour	10
Proposed Public Facilities.....	10

APPENDIX

A Indexing Factors for Future Works	19
B Standard Equivalent Tenement Figures.....	20

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The West Coffs Development Control Plan makes provision for further residential expansion in the order of 510 additional dwellings accommodating 1,428 people. The West Coffs catchment will ultimately cater for a population of 6,703 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- additional open space
- additional roads and cycleways
- additional community facilities
- flood mitigation and drainage work.

SUMMARY OF WORKS SCHEDULE

A schedule of works, commencement staging and expenditures is summarised at Table 1.

SUMMARY OF CONTRIBUTION RATES

Table 2 summarises the costs of the identified public facilities.

Table 3 summarises the contribution rates applying to the different forms of development in West Coffs. Appendix "B" includes additional contribution rates that apply to various other forms of development.

DATE OF COMMENCEMENT OF THE PLAN

This plan came into operation on the XX/XX/XXXX and supersedes the West Coffs Harbour Developer Contributions Plan which came into operation on 24 April 2008 .

Table 1 - Schedule of Works, Commencement, Staging and Expenditures

Works Required	Estimated Capital Cost \$	Catchment	Benchmark/Estimated Staging
Drainage and Flood Mitigation Works - Land Acquisition - Retention Basins - Low Flow System Pipes - Surface Inlet Pits	5,838,879	(Map 2)	Work commenced in south eastern corner of catchment Future works as surrounding land is developed
Local Collector Roads - Land Acquisition - Construction - Roundabout - Culverts	3,596,847	(Map 3)	Work commenced at various locations throughout the catchment. Future works as surrounding land is developed
Donn Patterson Drive	1,149,705	(Map 4)	All works complete. Recoupment of previous expenditure.
Cycleways	259,000.00	(Map 3)	As demand dictates
Neighbourhood Open Space - Land Acquisition - Embellishment	710,000.00	(Map 1)	Majority of land now in Council's ownership. Embellishment as demand dictates.
Drainage & Conservation Land - Land Acquisition	1,590,000	(Map 3)	Acquisition when required
District Community Facilities	1,050,000	(Map 1)	Land purchased. Development as demand dictates.
Coffs Creek Drainage Works	2,139,420	(Map 5)	All works complete. Recoupment of previous expenditure
Development Studies	95,296	(Map 3)	Complete

Table 2 - Summary Costs by Land Use

Public Facility	Total Cost \$	Grant Funds or other income \$	Anticipated Population in Catchment	Contributions collected or levied as at 28-02-04 \$	Net Cost to be Levied \$
Drainage & Flood Mitigation Works	5,838,878	3,892,582	1,305	621,570	1,324,726
Local Collector Roads	3,596,847	Nil	1,305	1,228,296	2,368,551
Donn Patterson Drive	1,149,706	Council cont 57,253	1,428	554,373	538,080
Cycleways	259,000	Nil	1,305	52,895	206,105
Neighbourhood Open Space	710,000	Nil	1,428	362,262	347,738
Drainage & Conservation Land	1,590,000	Nil	1,305	49,633	1,540,367
District Community Facilities	1,050,000	Council cont 244,064	1,428	494,089	311,847
Coffs Creek Drainage Works	2,139,420	State Gov't 878,411	1,428	853,709	407,300
Development Studies	95,296	Nil	1,305	33,387	61,909

Table 3 - West Coffs Harbour Contribution Rates

Service / Facility	Net Cost to be Levied \$	Per Person \$	Per Lot/ Large Dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care)
Flood Mitigation & Drainage Works	1,324,726.00	1,015.12	2,842.32	1,827.21	1,522.68
Local Collector Roads	2,368,551.00	1,814.98	5,081.05	3,266.97	2,722.47
Donn Paterson Drive	538,080.00	376.81	1,055.06	678.25	565.22
Cycleways	206,105.00	157.93	442.22	284.28	236.90
Neighbourhood Open Space	347,738.00	243.51	681.84	438.33	365.26
Drainage & Conservation Land	1,540,367.00	1,180.36	3,305.00	2,124.64	1,770.54
District Community Facilities	311,847.00	218.38	611.46	393.08	327.57
Coffs Creek Drainage Works	407,300.00	285.22	798.63	513.40	427.83
Development Studies	61,909.00	47.44	132.83	85.39	71.16
Total Section 94 Contributions		5,339.75	14,951.31	9,611.56	8,009.63

Notes:

1. In addition to the above the relevant contribution rates in the Coffs Harbour Regional and District Facilities Contributions Plan, the Coffs Harbour Road Network Plan, The Surf Rescue Equipment Plan, and Coffs Harbour Water Supply and Sewage Treatment and Carrier Systems Contributions Plan will also apply.
2. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a medium density development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
3. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
4. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
6. Additional contribution rates for various other types of development are included in this plan at appendix "B"



Future Population 1,428

MAP 1
COMMUNITY FACILITIES
NEIGHBOURHOOD OPEN SPACE
WEST COFFS HARBOUR DCP AREA

PART 2 ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the West Coffs Harbour Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided throughout the catchment as development occurs
- (ii) enable Council to recoup funds which it has spent in the provision of public facilities in anticipation of likely future development
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development

- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the West Coffs Harbour Area.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to the area known as West Coffs Harbour, which extends generally westward from Mackays Road between Coramba Road to the south and the North Coast Railway to Spagnolos Road. This general area is shown in Map 1. The specific catchment areas of the various contributions to be levied are shown in Maps 1 to 5.

RELATIONSHIP TO OTHER PLANS AND POLICIES

This plan supersedes all Section 94 levies included in the previous West Coffs Contributions Plan which came into effect on 24 April 2008.

This contributions plan should be read in conjunction with the Coffs Harbour Regional, District and Neighbourhood Facilities Contributions Plan, the Coffs Harbour Road Network Contributions Plan, Surf Rescue Equipment Plan, the Coffs Harbour Water and Wastewater Developer Services Plan and other contributions plans that apply to the release area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C + I - O - E}{P}$$

Where:

- C = total cost of works to provide the desired facility or service less any grant or other funds received
- I = Interest on forward funded works
- O = Funds from Other Sources
- E = amount of existing contributions either paid or levied at 28-2-2004
- P = future population of catchment

Contributions either paid or levied up to and including 28-02-04 have been included for the purposes of determining the current contribution amount.

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan;
- development consents involving building work – prior to the release of the construction certificate;

- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) The deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- (c) the value of the works to be undertaken is at least equal to the

value of the contribution assessed in accordance with this plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups (A) Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Urban Development Strategy 1996 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Draft Coffs Harbour Sustainable Settlement Strategy 2004 which is currently being prepared establishes the level of existing development and estimates a population of 98,800 in Coffs Harbour by the year 2030. The estimates are based on occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour City Local Environmental Plan 2000.

Coffs Harbour Sewerage Strategy 2000 identifies areas to be serviced by reticulated sewerage to the year 2021.

Coffs Harbour City Council Community Services Plan 1998 specifies the community facilities required by future development.

Coffs Harbour City Council Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

The West Coffs Development Control Plan sets out detailed guidelines for development in the West Coffs catchment. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings. It also allocates land for local business, local government, open space and environmental protection purposes.

CAUSAL NEXUS

The anticipated increase in population in West Coffs will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available in Coffs Harbour.

Table 1 in this plan lists the public facilities to be provided in the West Coffs Harbour catchment.

The Coffs Harbour Regional, District and Neighbourhood Facilities Plan, the Coffs Harbour Road Network plan, the Surf Rescue Equipment Plan, the Coffs Harbour Water and Wastewater Developer Services Plan and other plans that apply to the release area list the public facilities provided for the benefit of future population in West Coffs Harbour together with future population in other catchments.

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such need may be satisfied.

Table 1 identifies the catchment for each public facility to be provided in the West Coffs Harbour area.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them. Table 1 lists the benchmark or estimated staging for the provision of public facilities in the West Coffs Harbour area.

Almost 75% of the housing stock in West Coffs in 1996 comprised detached dwellings, compared to the LGA average of 68% (ABS 1996 census). It is expected that this trend will continue. The rate of dual occupancy development in Coffs Harbour has fallen from a peak of almost 30% of all dwelling approvals in 1993 to about 11% in 1997/98. This trend is also expected to continue in the release area.

EXISTING AND FUTURE DEVELOPMENT IN WEST COFFS HARBOUR

According to ABS census figures, the population of the West Coffs Harbour catchment was 2,836 in 2001. An analysis of remaining lands, having regard to land constraints, existing and proposed subdivision concepts, indicates that the release area will cater for an additional 510 lots.

It is expected that the future population of the area will have similar characteristics to that in already developed locations in West Coffs Harbour, such as Pearce Drive and Polwarth Drive. These developments exhibit characteristics typical of a developing population model with an above average proportion of 0-14 year olds and 25-39 year olds.

Average occupancy rates in Coffs Harbour in 2001 were as follows:

Much of the catchment is constrained by creeks, drainage reserves and sloping land. Special development controls in steep areas, to allow satisfactory provision of access driveways and general construction works without creating erosion problems, will limit the yields in steep areas. Residential land not affected by steep slopes would yield about 10 lots per hectare.

Dwelling Type	Occupancy Rate
Large Dwelling	2.8 persons /dwelling
Small dwelling	1.8 persons/ dwelling
Seniors Living SEPP Developments (self care)	1.5 persons / dwelling

Source: ABS census figures

Notes:
A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100m² (excluding garages and balcony areas).

PROPOSED PUBLIC FACILITIES

FLOOD MITIGATION AND DRAINAGE WORKS

The West Coffs DCP area is traversed by a series of tributaries of Coffs Creek, which forms part of its southern boundary. Flood mitigation and drainage works are required to retard the flow of water into the natural drainage system and mitigate impacts from stormwater runoff, including the impacts from new development on properties both upstream and downstream. In some instances, areas below the 1% AEP flood event can be developed for residential purposes once site filling has occurred.

In order to permit development within the catchment Council has forward funded some of the required works. Interest on these forward funded works is included in the contribution rate calculation.

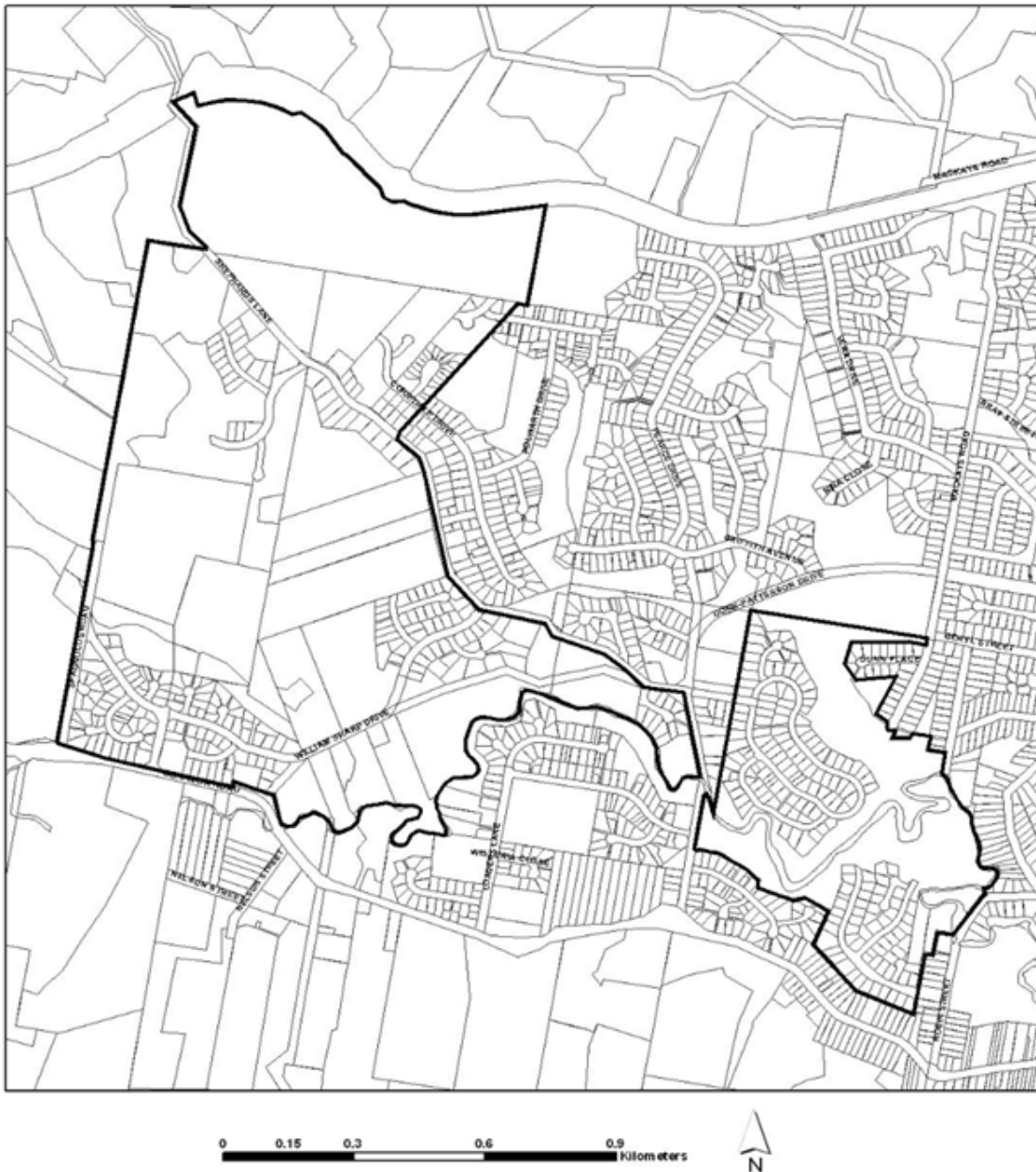
Map 2 illustrates the catchment that would directly benefit from proposed flood mitigation works to be funded by contributions. Land used for this purpose will be held under single (Council) ownership for ease and consistency of management. Council would normally finalise acquisition once the adjoining lands have been fully developed.

Calculation of contribution rate:

$$= \frac{C + I - O - E}{P}$$

$$= \frac{(\$5,815,043 + 23,836 - 3,892,582 - \$621,570)}{1,305}$$

$$= \$1,015.12 \text{ per person}$$



Future Population 1,305

MAP 2 DRAINAGE & FLOOD MITIGATION WORKS

LOCAL COLLECTOR ROADS

In order to accommodate existing and potential development of land in the West Coffs Harbour area certain roads, both existing and future, have been identified as serving higher than local access. These roads are:

- (i) Donn Patterson Drive
- (ii) Future collector roads including Shephards Lane

The principal transport routes will be classified as local collector and distributor roads. These are required to be roads with wider than local access standard, intersection treatment to be undertaken where necessary. All lots being created in the release area generate traffic. The cost of these facilities, therefore, is to be met by contributions from each lot created.

Where residential lots front the collector and distributor roads, contributions will be required to meet the cost of the additional three metres of construction. Where there are no residential lots fronting the roads, contributions will be required to meet the full cost of construction.

A section of the loop road adjacent to Spagnolos Road will be required to be constructed to an 11 metre carriageway. Development adjacent to this section will be required to fund a fully constructed 8m carriageway with the additional 3m of carriageway to be funded from contributions.

A roundabout has been constructed at the intersection of Roselands Drive off Coramba Road. A type 'C' intersection has been constructed on Coramba Road.

A roundabout has been constructed at the intersection of Donn Patterson Drive and Shephards Lane, which was constructed under Development Consent No. 466/92. This contribution plan makes provision for land acquisition costs only for this work.

Coffs Harbour City Council has expended funds upgrading Shephards Lane, which forms part of the collector road system, and these funds will be recovered by way of contribution. The Council has also forward funded the construction of Donn Patterson Drive and these funds shall be recovered by way of contributions.

Maps 3 and 4 illustrate catchments, or areas which would directly benefit from the construction or upgrading of roads proposed to accommodate development in West Coffs Harbour.

Calculation of contribution rate:

Local Collector Roads

$$\begin{aligned} \text{Contribution} &= \frac{C + I - E}{P} \\ &= \frac{(3,596,847 - 1,228,296)}{1,305} \\ &= \$1,814.98 \text{ per person} \end{aligned}$$

Donn Patterson Drive

$$\begin{aligned} \text{Contribution} &= \frac{C + I - E}{P} \\ &= \frac{(888,355 + 204,097 - 554,373)}{1,428} \\ &= \$376.81 \text{ per person} \end{aligned}$$

CYCLEWAYS

Development in West Coffs Harbour is characterised by a subdivision pattern where numerous allotments back onto reserves, which also act as passive open space. Council will acquire parcels of land zoned for drainage reserve purposes under the DCP once development has occurred in the area. Part of the enhancement of these reserves will include the establishment of shared cycleway and walkway.

Map 3 illustrates the catchment to be served by the proposed walkways and cycleways.

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$259,000.00 - \$52,895}{1,305} \\ &= \$157.93 \text{ per person} \end{aligned}$$

NEIGHBOURHOOD OPEN SPACE

Neighbourhood open space is land used primarily for localised recreational purposes. These lands comprise neighbourhood parks, children’s playground areas, passive reserves and drainage reserves. The catchment for neighbourhood open space is shown on Map 1.

Works include land acquisition, landscaping and furniture, children’s playgrounds at Polwarth Drive, Bakers Road, Shephards Lane, and adjacent to the Conservation area.

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$710,000 - 362,262}{1,428} \\ &= \$243.51 \text{ per person} \end{aligned}$$

DRAINAGE RESERVES AND LOCAL CONSERVATION LAND

Much of the West Coffs DCP area is traversed by a series of tributaries of Coffs Creek. Much of the land adjacent to these tributaries is to be transferred to Councils ownership to maintain the drainage channels and to act as buffer areas to protect the integrity of the creeks.

The DCP identifies areas of high conservation value. Council will acquire this land, which is currently privately owned.

Rehabilitation works will also be required. Subsequent use of the land could include wildlife refuge and education/ interpretational facilities.

The catchment for the drainage reserves and local conservation area is shown on Map 3.

The cost of moving these lands into Council ownership is estimated to be \$1,590,000.00

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,590,000 - \$49,633}{1,305} \\ &= \$1180.36 \text{ per person} \end{aligned}$$

DISTRICT COMMUNITY FACILITIES

The provision of community facilities under this plan is to be based on needs and takes into account the provision of services and facilities by other levels of government, the private sector, and other non-government providers. This plan only deals with those community facilities provided directly by local government.

Residential development in West Coffs Harbour will generate a demand for a multi-purpose complex, accommodating outreach facilities, community hall, meeting rooms, information centre and indoor/outdoor recreation facilities and associated infrastructure. These facilities are to be located on land zoned D5 Community Purposes, adjacent to Bakers Road.

Map 1 shows the catchment for district community facilities.
Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - O - E}{P} \\ &= \frac{\$1,050,000 - 244,064 - 494,089}{1,428} \\ &= \$218.38 \text{ per person} \end{aligned}$$

COFFS CREEK DRAINAGE WORKS

The urban development of the West Coffs land as depicted in Map 5 will alter the flow regime in the Coffs Creek channel, especially in high rainfall intensities during the 5% and 20% probability flood events, requiring channelisation and flood mitigation works. These works comprise "*the Coffs Creek Flood Mitigation Works*".

The works have all been completed with the final cost being \$2,139,420.44. A State Government subsidy of \$878,411.65 was provided.

An amount of \$1,261,008.79 is, therefore, to be recouped through Section 94 contributions.

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,261,008.80 - \$853,709.64}{1,428} \\ &= \$285.22 \text{ per person} \end{aligned}$$

DEVELOPMENT STUDIES

Section 94 of the Environmental Planning and Assessment Act 1979 allows for Councils to recoup costs of the preparation of a DCP and associated studies including developer contribution plans. Various studies have been undertaken as part of the future development of West Coffs Harbour, totalling \$95,295.75.

Map 3 illustrates the extent of the West Coffs DCP

Calculation of contribution rate:

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$95,295.75 - \$33,387}{1,305} \\ &= \$47.44 \text{ per person} \end{aligned}$$

APPENDIX A - INDEXING FACTORS FOR FUTURE WORKS

Contribution Type	Indexation Basis	Index	Date Applied
Flood Mitigation & Drainage Reserves	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Donn Patterson Drive	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Collector Roads	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Cycleways	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Open Space	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Community Facilities	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Coffs Creek Drainage Works	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Development Studies	Consumer Price Index – All Groups (A) for Sydney	143.6	30.12.2003
Land Acquisition	Consumer Price Index – All Groups (A) for Sydney	145.00	31.3.2004

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application 1 per 80 seats (pro-rata)	Determined on Application 1 per 80 seats (pro-rata)
Place of worship	N/A		
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website: www.coffsharbour.nsw.gov.au

DRAFT

As reported to Council 24 April 2013



Attachment 13

WEST WOOLGOOLGA

Developer Contributions Plan 2013

DRAFT



TABLE OF CONTENTS

PART 1 - SUMMARY SCHEDULES	1
Executive Summary	1
Summary of Contribution Rates	1
Date of Commencement of the Plan	1
PART 2 - ADMINISTRATION AND ACCOUNTING	4
Name of the Plan.....	4
Purpose of the Plan	4
The Area to which the Plan Applies.....	4
Relationship to Other Plans and Policies.....	4
How the Plan Operates	4
Formula for Determining Contributions	6
Timing of Payment of Contributions.....	6
Deferred or Periodic Payments	6
Exemptions	7
Works in Kind.....	7
Pooling of Funds.....	7
Indexing of Contribution Rates	7
PART 3 – STRATEGY PLANS.....	8
Relationship between Expected Development and Demand for Additional Public Facilities	8
Proposed Public Facilities	10
Open Space and Recreation	10
Transport and Traffic Management.....	13
Fire Services	16
Urban Planning.....	16
APPENDICES	
A Indices.....	17
B Standard Equivalent tenement Figures.....	18

PART 1 - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will or is likely to increase the demand for public facilities.

The West Woolgoolga Development Control Plan makes provision for further residential expansion in the order of 363 additional dwellings accommodating 950 people.

Development consents have been issued for several land parcels within the release area. Analysis indicates that undeveloped land and land that is not subject to an approved development will accommodate an additional 568 people.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- open space and recreational facilities
- transport and traffic facilities
- fire fighting equipment

SUMMARY OF CONTRIBUTION RATES

Table 1 summarises the contribution rates applying to the different forms of development in West Woolgoolga. Appendix "B" includes additional contribution rates that apply to various other forms of development.

Table 2 summarises the costs of the identified public facilities.

DATE OF COMMENCEMENT OF THE PLAN

This plan came into operation on the 13 October 2004. This Plan was amended on 24 August 2005, and on 24th April 2008, on 26th November 2009, and further on XX/XX/XXXX.

Table 1 – Summary of Contributions

Service / Facility	Total Cost to be Levied \$	Per Person \$	Per Lot Or large dwelling \$	Per Small Dwelling \$	Per SEPP Seniors Living Dwelling (self care) \$
Traffic Facilities	4,115,874	3,444.56	9,644.77	6,200.21	5,166.84
Neighbourhood Open Space	120,000	145.47	407.31	261.84	218.20
Development Studies	45,031	34.39	96.29	61.90	51.59
Fire Fighting Services	130,000	138.75	388.50	249.75	208.13
Total Section 94 Contributions	4,410,905	3,763.17	10,536.87	6,773.70	5,644.76

Notes:

1. In addition to the above, the relevant contribution rates in the Coffs Harbour Regional and District Facilities Contributions Plan, the Coffs Harbour Water Supply and Wastewater Developer Services Plans and other contribution plans will also apply.
2. Contribution rates will be applied as follows:
 - the first lot in a residential subdivision is exempt from contributions
 - the first dwelling on a residential lot is exempt from contributions
 - the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.
3. A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).
4. The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).
5. SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004
6. Additional contribution rates for various other types of development are included in this plan at appendix "B"

Table 2 - Schedule of Works, Commencement, Staging and Expenditures

Works Required	Estimated Capital Cost \$	Benchmark/Estimated Staging
Local Collector Roads - Construction - Cycleways/Pathways - Bus Shelters	\$4,115,874	As demand dictates with highway intersection works occurring during the first half of development of the release area
Neighbourhood Open Space - Embellishment	\$120,000	As funds becomes available
Development Studies	\$45,031	Completed
Bush Fire Control	\$130,000	As funds become available

DRAFT

PART 2

ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the West Woolgoolga Developer Contributions Plan 2013.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be, required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided throughout the catchment as development occurs;
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development;
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development;
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the West Woolgoolga Release Area.

THE AREA TO WHICH THE PLAN APPLIES

The plan applies to all land within the West Woolgoolga Release Area as shown in Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES

The plan supplements the Coffs Harbour City Local Environmental Plan 2000 and Development Control Plan applying to the West Woolgoolga Release Area.

This contributions plan should be read in conjunction with the Coffs Harbour Regional, District and Neighbourhood Facilities Contributions Plan and the Coffs Harbour Water Supply and Wastewater Developer Services Plans (Section 306 (3) of the Water Management Act, 2000) and other contribution plans that may apply to the West Woolgoolga Release Area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.



MAP 1
LOCALITY

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C + I - L - F}{P}$$

Where:

- C = total cost of works to provide the desired facility or service including land acquisition, survey and design and construction costs, but less any grant or other funds received
- I = Interest on forward funded works
- L = Contributions levied on approved developments but not yet received
- F = Funds collected to date
- P = Future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- development consents involving subdivisions – prior to release of the linen plan;
- development consents involving building work – prior to the release of the construction certificate;
- development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) The deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) The applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) Payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "*appropriate rate of interest*" means the seven year local government interest borrowing rate applicable from time to time, and "*appropriate institution*" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

WORKS IN KIND

Council may accept an applicant's offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94(5b) of the Environmental Planning and Assessment Act.

Applicants should consult Councils current Works in Kind Policy prior to making an application for the undertaking of Works in Kind.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;

- (c) the value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this plan.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

- RC = Revised contribution rate per ET applicable at the time of payment
- C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

The Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

PART 3 – STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour Urban Development Strategy 1996 identifies the preferred location and expected type of future urban expansion within the City, and the associated requirements for public facilities.

The Coffs Harbour Sustainable Settlement Strategy 2003 establishes the level of existing development and estimates a population of 102,388 in Coffs Harbour by the year 2021. The estimates are based on occupancy rates derived from the 2001 census and residential densities permitted under Coffs Harbour City Local Environmental Plan 2000.

Coffs Harbour Sewerage Strategy 2000 identifies areas to be serviced by reticulated sewerage to the year 2021.

Coffs Harbour City Council Community Services Plan 1998 specifies the community facilities required by future development.

Coffs Harbour City Council Open Space Strategy 1998 identifies the passive and active open space facilities required by future population, using a recreational preferences study undertaken in 1996.

The West Woolgoolga Development Control Plan sets out detailed guidelines for development in the West Woolgoolga Release Area. It provides for residential development with the dominant form being detached dwellings.

CAUSAL NEXUS

The anticipated increase in population in West Woolgoolga will place greater demands on existing public facilities and require the provision of new public facilities that are not currently available in the Woolgoolga area.

Table 1 in this plan lists the public facilities to be provided in the West Woolgoolga catchment.

The Coffs Harbour Regional, District and Neighbourhood Facilities Plan lists public facilities provided for the benefit of future population in West Woolgoolga together with future population in other catchments.

The Coffs Harbour Water Supply Development Services Plan 20132 and Wastewater Treatment & Carrier System Development Services Plan 2013 lists the water and sewerage requirements for new development in West Woolgoolga.

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such needs may be satisfied.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them.

Table 2 lists the benchmark or estimated staging for the provision of public facilities in the West Woolgoolga Release Area.

EXISTING AND FUTURE DEVELOPMENT IN WEST WOOLGOOLGA

West Woolgoolga generally comprises residential accommodation with single dwellings on allotments ranging from 700m² to 20.25ha. Development consents have been issued for several land parcels within the release area. Analysis indicates that undeveloped land and land that is not subject to an approved development will accommodate an additional 568 people.

PROJECTED DWELLING YIELD

Housing policy, prevailing market conditions and environmental constraints will together influence dwelling yield. The forecast population is based on the potential dwelling yield. These yields are derived from balancing existing urban patterns with changing demands for a wider choice of housing and endeavours to promote efficient and sustainable urban environments.

The projected dwelling yield for West Woolgoolga can be explained in terms of two types of housing:

- Conventional Housing - generally Torrens title allotments with single detached dwellings with an average allotment size of around 550m² or less.
- Dual Occupancy Housing - Torrens strata or community title allotments comprising duplexes or two detached dwellings with an average allotment size of around 400m².

OCCUPANCY RATES

The projected overall population will be a consequence of the dwelling yield and varying occupancy rates. The forecast occupancy rates are shown in Table 3.

Table 3 - Occupancy Rates

Housing Type	Occupancy Rates
Lot / Large Dwelling	2.8 persons/dwelling
Small Dwelling	1.8 persons/dwelling
Seniors Living SEPP Dwelling (self care)	1.5 persons/dwelling

The total projected population of West Woolgoolga based on these occupancy rates and projected dwelling yields, is shown in Table 4.

Table 4 - Population Projection

Housing Type	*Occ Rate	No. of Dwellings	Pop'n
Conventional, Dual Occ, Integrated Housing	2.8	297	832
Small Dwelling	1.8	66	118
Seniors Living SEPP Dwelling (self care)	1.5		
Total		363	950

*Occupancy Rate

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

A large dwelling is deemed to be any dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

POPULATION PROFILE

The social infrastructure needs are based on an anticipated population of 950 persons.

The population profile of West Woolgoolga is initially anticipated to reflect an "ageing" population model. This ageing population is expected to have the following age characteristics:

Table 5 - Population

Age	%
0-9	13.1
10-19	13.5
20-29	7.4
30-39	10.7
40-49	14.2
50-59	11.3
60+	29.8
Total	100.0

The population is expected to have a high proportion of elderly people with persons of pensioner age (60+ years), young to middle age adults (30-49 years) and school age (5-19 years).

PROPOSED PUBLIC FACILITIES

There are no community facilities proposed for West Woolgoolga as the expected population for the area is not sufficient enough to support any new facilities. People in West Woolgoolga will have access to the Woolgoolga Neighbourhood Centre, Senior Citizens Centre and Woolgoolga Health Community Centre.

The population will contribute proportionally to the demands for certain regional facilities that could not be sustained by West Woolgoolga in its own right.

The Coffs Harbour Regional and District Facilities Contributions Plan identifies the contribution rate for regional community facilities.

OPEN SPACE AND RECREATION

EXISTING FACILITIES

Existing formal open space and recreation facilities are limited within West Woolgoolga.

Informal recreation opportunities are provided with the nearby beaches, Woolgoolga Creek and various bushland and reserve corridors.

IDENTIFIED NEEDS

On the basis of this population model, it is anticipated that a preference for structured sporting facilities, passive recreation and neighbourhood parks/ playgrounds will exist. Open space facilities can be considered at a regional, district and local level.

Regional

Regional open space caters for users prepared to travel significant distances from within and outside the Coffs Harbour local government area. These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits, and nature conservation.

Regional open space areas in the vicinity of West Woolgoolga include the Coffs Coast Sport & Leisure Park, North Coast Regional Botanic Garden, Brelsford Park and Jetty Foreshores.

Note:

Contributions for Regional Open Space are considered under a separate plan.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and district sporting facilities. The primary use of these lands will be for organized recreation by residents of West Woolgoolga.

Council's Open Space Strategy provides standards for the provision of district sporting facilities.

Since the expected additional population of West Woolgoolga is only 950 people, it is not necessary to provide a centralized complex with all these facilities. Residents of West Woolgoolga can utilise a number of the facilities available in the northern district such as Centennial Reserve, Woolgoolga Sports Ground, Woolgoolga Beach Reserve, Woolgoolga Lake Reserve and Woolgoolga Creek Foreshores.

Recreation areas located on coastal reserves are also classified as district open space. A range of facilities are provided in these locations to complement the attraction of the coastline and beach.

*Note:
Contributions for District Open Space are considered under a separate plan.*

Local

Local open space is land used primarily for localised recreational purposes. These lands comprise neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Given that local open space generally serves young children, this space should be provided within a reasonable walking distance. A reasonable walking distance to a neighbourhood park or playground is considered to be 500m which represents, on average, a seven-minute walk.

Map 2 illustrates a 500m radius around potential neighbourhood park sites to provide a measure of demand based on spatial distribution and accessibility. It is to be noted that this radius does not take into account topography and other physical constraints. On this basis, one neighbourhood park with playground would be required to meet the needs of the community.

Creek buffers and drainage reserves provide a necessary role in providing stormwater drainage requirements and environmental protection to Woolgoolga Creek. This contributions plan provides no allowance for purchase of any of these lands. These lands are to be dedicated progressively as subdivision applications are lodged.

PROPOSED FACILITIES

The location of the neighbourhood park is shown on Map 2.

The minimum works required for neighbourhood parks are:

- playground equipment;
- park seats; and
- landscaping.

Neighbourhood Park

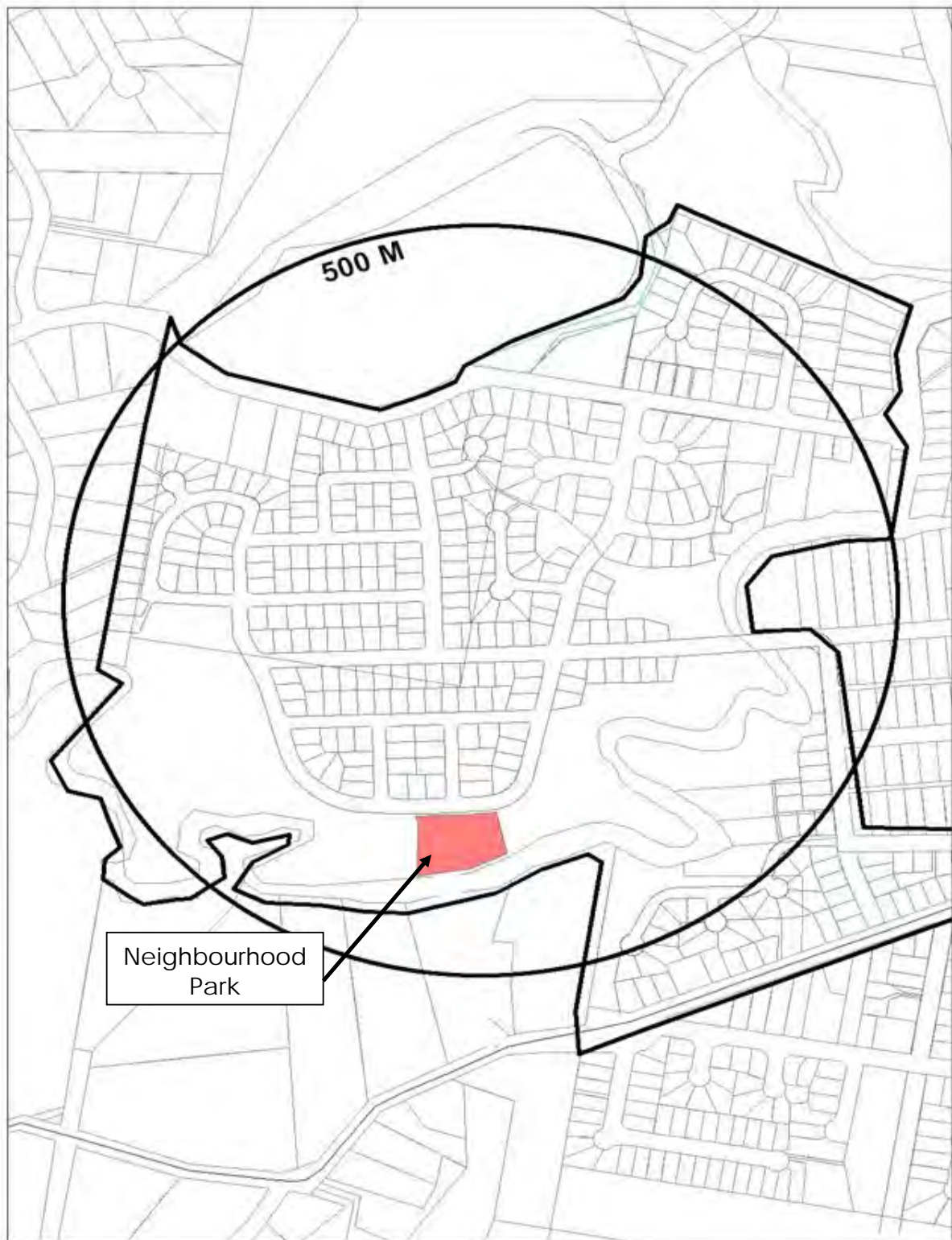
Playground, furniture, landscaping	\$120,000
TOTAL	\$120,000

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{C - L - F}{P}$$

- C = Cost of community facility/ service
 - L = Funds levied but not received
 - F = Funds Collected to date
 - P = Expected population
- $$= \frac{\$120,000 - \$10,870 - \$26,504}{568}$$
- $$= \$145.47 \text{ per person}$$



MAP 2
OPEN SPACE AND RECREATION

TRANSPORT AND TRAFFIC MANAGEMENT

INTRODUCTION

The strategy for the movement of people within and through West Woolgoolga recognises the dependence on the motor car, yet provides for an efficient and convenient network of pedestrian and bicycle routes. The strategy also provides the infrastructure needed for a bus service.

Where development does not directly adjoin the collector road, full cost of construction of the collector road, together with associated land costs, will be funded by contributions.

Newman's Road forms part of this collector road system, and this contributions plan provides for upgrading to collector road standard.

EXISTING FACILITIES

Access to West Woolgoolga is obtained from Newmans Road with the Pacific Highway forming the easterly boundary of the study area.

The West Woolgoolga Release Area is traversed by Woolgoolga Creek. In order to provide safe egress and access from the Pacific Highway to the development area north of Woolgoolga Creek, it will be necessary undertake works at the intersection of the Pacific Highway and Newman's Road.

IDENTIFIED NEEDS

The transport demands within West Woolgoolga can be categorized in terms of the road network, public transport and pedestrian/bicycle network.

It is anticipated that these works will be required prior to the area being fully developed. Therefore these works will require forward funding. To cover these works interest on forward funding has been included in the contribution rate.

Road Network

In order to accommodate existing and potential development of land in the West Woolgoolga Release Area, certain roads, both existing and future, have been identified as serving higher than local access.

Traffic management measures at intersections are to be undertaken where necessary. All lots being created in the DCP area generate traffic. The cost of these facilities, therefore, is to be met by contributions from each lot created.

A road hierarchy has been established classifying roads as collector or local roads in accordance with their functional characteristics. The road network will be governed by the internal collector road which is to be of an 11 metre standard width.

Development adjacent to the collector road will be required to fund a fully constructed 8m carriageway with the additional 3m of carriageway to be funded from contributions.

15% of value of the land required for this portion of the collector road will be funded from contributions based on the need for the road reserve being increased from 17 metres for local roads to 20 metres wide for the collector road.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those less than 17 years of age. Opportunities for public transport within West Woolgoolga are limited to the provision of a possible bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters and seats. Bus bays are to be included in the cost of estimates of the collector road. It is proposed to provide bus shelters/seats along the collector road which has the highest frequency of use. A total of four shelters will be provided.

Pedestrian and Bicycle Ways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreation and functional journeys. The proposed routes are identified in Map 3 and have been designed to relate to the need for access to the neighbourhood park, surrounding recreational facilities and nearby shops and beaches.

Pedestrian and cycle routes are to be shared with vehicles on low order local roads and off-road footpaths/cycleways on the collector road. A bridge over Woolgoolga Creek is proposed linking to the existing cycleway and underpass along the Pacific Highway.

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities, which will be funded using Section 94 contributions on the basis of the local and district facilities.

Highway Intersection Works	\$800,000
Part construction of collector road	\$130,507
Collector Road Land	\$35,120
Upgrading of Newman's Road	\$1,351,500
Traffic Calming	\$40,000
Bus Shelters	\$40,000
Pedestrian/Cycleways	\$583,000
Street Lighting	\$70,000
Street Tree Planting	\$8,893
Total Works	\$3,059,020
15% contingencies	\$429,751
15% design & supervision	\$523,315
Interest on forward Funded works	\$103,788
Total Cost	\$4,115,874

CALCULATION OF CONTRIBUTION RATE

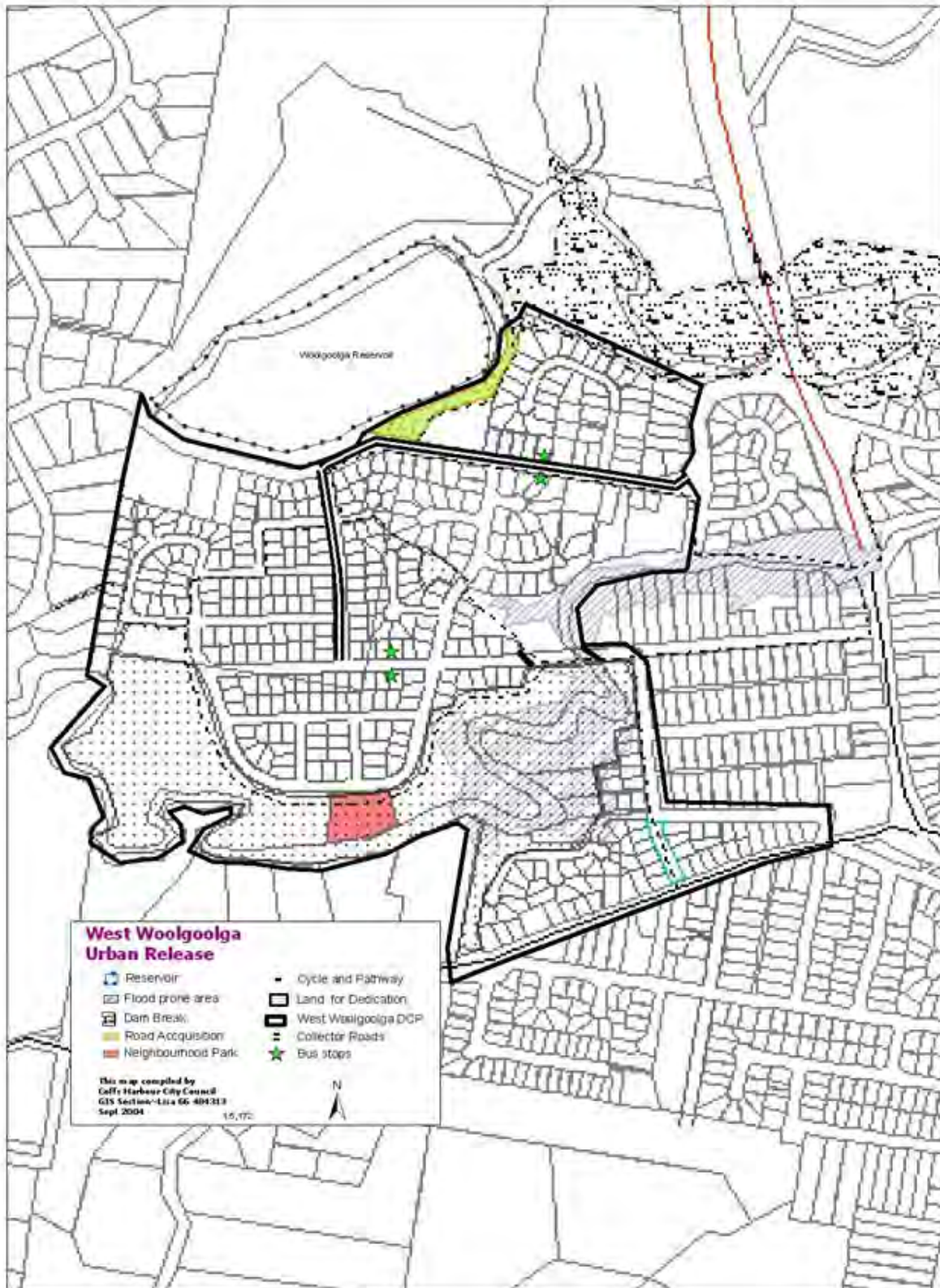
The contribution rate is calculated as follows:

$$\text{Contribution rate} = \frac{C - L - F}{P}$$

C = Cost of works
 P = Expected population
 L = Funds levied but not received
 F = Funds collected to date

$$= \frac{4,115,874 - 1,595,960 - 563,403}{568}$$

$$= \$3,444.56 \text{ per person}$$



MAP 3
 TRAFFIC AND TRANSPORT STRATEGY

FIRE SERVICES

EXISTING FACILITIES

There is a bush brigade in Newman’s Road (Country Club Rural Fire Brigade). This Brigade serves the area known as the Country Club Estate (west of the Pacific Highway and north of Woolgoolga Creek).

IDENTIFIED NEEDS

According to the Rural Fire Services “Standards of Fire Cover”, the additional population generated within the West Woolgoolga Release Area will increase the risk of potential fires.

In order to address this increased risk additional fire fighting equipment will be required. As this additional risk is directly attributable to the additional development, all of the additional population lots will contribute to the cost of this equipment.

The cost of the required equipment has been assessed as \$130,000.00

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{C - L - F}{P}$$

- C = Cost of community facility/ service
- L = Funds levied but not received
- F = Funds Collected to date
- P = Expected population

$$= \frac{\$130,000.00 - \$36,290 - \$14,899}{568}$$

$$= \$138.75 \text{ per person}$$

URBAN PLANNING

DEVELOPMENT STUDIES

Section 94 of the Environmental Planning and Assessment Act 1979 allows the recoupment of costs for the preparation of the DCP, this Contributions Plan and associated studies. The cost of studies and the plan is \$45,031.00.

CALCULATION OF CONTRIBUTION RATE

The following formula is used to calculate the contribution rate:

The following formula is used to calculate the contribution rate for community facilities/services:

$$\text{Contribution rate} = \frac{C - L - F}{P}$$

- C = Cost of community facility/ service
- L = Funds levied but not received
- F = Funds Collected to date
- P = Expected population

$$= \frac{\$45,031 - 19,809 - 5,689}{568}$$

$$= \$34.39 \text{ per person}$$

APPENDIX A - INDEXING FACTORS FOR FUTURE WORKS

Contribution Type	Indexation Basis	Index	Date Applied
Traffic Facilities	Consumer Price Index – All Groups (A) for Sydney	165.5	30/12/2008
Neighbourhood Open Space	Consumer Price Index – All Groups (A) for Sydney	165.5	30/12/2008
Fire Fighting Services	Consumer Price Index – All Groups (A) for Sydney	165.5	30/12/2008
Development Studies	Consumer Price Index – All Groups (A) for Sydney	165.5	30/12/2008
Land Acquisition	Consumer Price Index – All Groups (A) for Sydney	165.5	30/12/2008

DRAFT

APPENDIX B – STANDARD EQUIVALENT TENEMENT FIGURES

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94 Contribution Plans	Water DSP	Waste Water DSP
RESIDENTIAL			
Subdivision lot	1	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION			
Motel / hotel / resort room	0.35 per room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room	0.35 per room
Backpackers accommodation per room	0.2 per room	0.2 per room	0.2 per room
Bed & Breakfast Accommodation	0.35 per room	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site	0.25 per site
BUSINESS PREMISES			
Shop	N/A	0.3 per 100m2	0.3 per 100m2
General Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	N/A	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	N/A	0.5 per 100m2	0.5 per 100m2
Laundromat	N/A	0.5 per machine	0.5 per machine
Office Premises	N/A	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	N/A	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	N/A	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	N/A	Determined on Application	Determined on Application
Plant nursery	N/A	Determined on Application	Determined on Application
Service Station	N/A	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	N/A	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	N/A	Determined on Application	Determined on Application

	Unit Rate per ET	Unit Rate per ET	Unit Rate per ET
	Section 94		
CLASSIFICATION	Contribution Plans	Water DSP	Waste Water DSP
FOOD AND DRINK PREMISES			
Café / Coffee Shop	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	N/A	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	N/A	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	N/A	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	N/A	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	N/A	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES			
Child care without Laundry - per child	N/A	0.04 per child	0.04 per child
Child care with Laundry - per child	N/A	0.07 per child	0.07 per child
Marina per berth -	N/A	Determined on Application	Determined on Application
Place of worship	N/A	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	N/A	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	N/A	0.5 per bed	0.5 per bed
Educational Establishment			
- Primary/Secondary School	N/A	.04 per student	.04 per student
- Tertiary	N/A	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student	0.35 per resident student
Eco Tourism facility			
Passenger Transport Terminal	N/A	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES			
Hospital	N/A	1 per bed	1 per bed
Medical Centre	N/A	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	N/A	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	N/A	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT			
Bowling Alley	N/A	0.2 per alley	0.2 per alley
Brothel	N/A	0.4 per room	0.4 per room
Swimming Pool - Commercial	N/A	7 per ML	7 per ML
Recreational centre - indoor	N/A	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	N/A	0.3 per 100m2	0.3 per 100m2

*A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

**The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).

*** For onsite caretaker facilities refer to the residential rate applicable

Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450

Telephone: (02) 6648 4000
Website: www.coffsharbour.nsw.gov.au

As reported to Council 24 April 2013

1.2 Attachm

Coffs Harbour City Council

Development Servicing Plan For Water Supply 2013



Prepared by
HydroScience Consulting
A.B.N. 79 120 716 887
Level 5, 350 Kent Street
Sydney NSW 2000
Telephone: (02) 9249 5100
Facsimile: (02) 9279 2700
Email: hsc@hydroscience.net.au

Document Control					
Approved for Issue					
Revision	Author	Reviewer	Name	Signature	Date
5	ARA	GAZ	Gidi Azar	<i>G. Azar</i>	04 th June 2010

© HydroScience Consulting 2010

This document shall remain the property of HydroScience Consulting.
Unauthorised use of this document in any form is prohibited.



Summary

This Development Servicing Plan (DSP) covers water supply developer charges for the following areas served by Coffs Harbour City Council (CHCC):

- Nana Glen
- Coramba
- Coffs Harbour Coastal Strip (includes Coffs Harbour South, Coffs Harbour North, Boambee, Boambee East, North Boambee Valley, Toormina, Sawtell, Korora, Sapphire, Moonee, Emerald, Woolgooga, Barkhut, Mullaway, Arrawarra and Corindi)

In its meeting on the 11th March 2010 Council resolved to levy a developer charge for wastewater services lower than the calculated value. The water supply developer charges calculated for the area covered by this DSP and the Council's proposed charges are below:

Water Supply	Residential Developer Charge Calculated 09/10 (\$ per ET)	Developer Charges Proposed by CHCC 09/10 (\$ per ET)
Coffs Harbour City Council	14,130	8,690

Adopting the lower charges will result in some cross-subsidy from existing customers to new development. The extent of the cross-subsidy is \$72 per year for each residential water supply customer.

This DSP has been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002) issued by the Minister for Land and Water Conservation (now Department of Environment Climate Change and Water – DECCW), pursuant to section 306 (3) of the Water Management Act 2000. This document is to be registered with the NSW DECCW.

The development servicing zone areas covered by this DSP are shown in Appendix A.

The timing and expenditures for works serving the area covered by this DSP are shown in section 4.

Standards of service to be provided by Council are provided in section 5.

Developer charges relating to this DSP will be reviewed as described in section 7.5.

The developer shall be responsible for the full cost of the design and construction of water supply reticulation works within subdivisions.

The timing of payment of developer charges is described in section 7.9.

A background document titled CHCC 2009 Water Supply DSP Background Document identifies the characteristics of the assets covered by this DSP and is available from Council.



Contents

1	Introduction	4
2	Administration	5
3	Demographic and Land Use Planning Information	6
3.1	Growth Projections.....	6
3.2	Land Use Information.....	6
4	Water Supply Infrastructure	7
4.1	Assets	7
4.2	Estimates of Capital Costs.....	7
4.3	Timing of Works and Expenditure	7
5	Standards of Service	8
6	Design Parameters	9
7	Calculated Developer Charges	10
7.1	Summary of Proposed Developer Charge	10
7.2	Summary of Calculated Developer Charges.....	11
7.3	Capital Charge	11
7.4	Reduction Amount.....	11
7.5	Reviewing/ Updating of Calculated Developer Charges.....	11
7.6	Exclusions.....	11
7.7	Developments Requiring Forward Funding	12
7.8	Payment for Developer Charges.....	12
7.9	Timing of Payment of Developer Charges.....	12
7.10	Methodology for Determining Developer Charges to be paid.....	12
7.11	Developments Outside Boundaries of DSP	13
8	Reference Documents.....	14
9	Other DSPs and Related Plans.....	15
10	Glossary.....	16

1 Introduction

Section 64 of the Local Government Act 1993 enables a local government council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to section 306 of the Water Management Act 2000.

A Development Servicing Plan (DSP) is a document which details the water supply, sewerage and/or stormwater developer charges to be levied on development areas utilising a water utility's water supply, sewerage and/or stormwater infrastructure.

This DSP covers water supply developer charges in Nana Glen, Coramba and Coffs Harbour development areas, which are served by Coffs Harbour City Council.

This DSP has been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002) issued by the Minister for Land and Water Conservation (now Department of Environment Climate Change and Water – DECCW), pursuant to section 306 (3) of the Water Management Act 2000.

This DSP supersedes any other requirements related to water supply developer charges for the area covered by this DSP. This DSP takes precedence over any Councils codes or policies where there are any inconsistencies relating to water supply developer charges.

This DSP was amended on XX/XX/XXXX with the schedules at appendix B being updated



2 Administration

Coffs Harbour City Water Supply	
DSP Area	The area covered by this DSP is shown on plans in Appendix A , which shows the water supply area covered by this DSP
DSP Boundaries	The basis for defining the DSP areas boundaries is the existing and future development served by Coffs Harbour City Council water supply scheme
Payment of Developer Charges	Payment of a developer charge is a precondition to the grant of a Compliance Certificate, which must be obtained in order to complete a development. A Compliance Certificate will not be issued until the developer charge payment has been received.
Time & Payment	Council will issue a Notice of Payment – Developer Charges at the time of assessing development application or other type of application. If payment is made within three months of the date of the notice, no further charges will apply for the development. If payment is not received within three months, a payment will be required prior to issue of Compliance Certificate and the charge will be recalculated in accordance with the DSP valid at that time.
Review	Developer Charges relating to this DSP will be reviewed after a period of 5 years. A shorter review period is permitted if a major change in circumstances occurs.
Indexation	The charges will be adjusted quarterly on the basis of movements in CPI for Sydney, excluding the impact of GST.



3 Demographic and Land Use Planning Information



3.1 Growth Projections

CHCC growth projections for Equivalent Tenements (ETs) are shown in Table 1.

Table 1: Projected Residential Demand Growth in ET

	2006	2011	2016	2021	2038
Nana Glen	118	136	167	199	700
Coramba	134	155	191	226	260
Coffs Harbour South (including Boambee, Boambee East and North Boambee Valley)	2,986	3,304	3,779	4,768	6,260
Coffs Harbour North (including Korora)	6,079	6,677	7,287	7,861	10,310
Toormina	4,222	4,509	4,660	4,808	6,100
Sawtell	976	981	986	990	1,260
Sapphire	383	478	583	593	790
Moonee (including Safety Beach and Sandy Beach)	376	857	1,300	1,532	3,085
Emerald	623	703	782	857	2,360
Woolgoolga	1,461	1,786	2,094	2,331	3,415
Barkhut	240	440	602	759	1,270
Mullaway (including Arrawarra)	545	603	684	775	1,720
Corindi	465	515	585	660	1,230
Coffs Harbour Coastal Strip	18,356	20,853	23,342	25,934	37,800

1 ET = a standard urban fully detached dwelling
 Source: CHCC Water Supply DSP 2008 - Interim

The population estimated in 2031 is from Council's 'Our Living City' 2008 report.

Table 2: Growth Projections for the Areas Covered by this DSP.

Area	Population (estimated in 2031)	Equivalent Tenements (ETs) 2006	Equivalent Tenements (ETs) 2038	Total New ETs	Proportion of Growth
Nana Glen	1,790	118	700	582	2.9%
Coramba	620	134	260	126	0.6%
Coffs Harbour Coastal Strip	90,200	18,356	37,800	19,444	96.5%
Total	92,610	18,608	38,760	20,152	100.00%

3.2 Land Use Information

This DSP should be read in conjunction with Coffs Harbour City Council Local Environment Plan 2000 as amended in August 2009.

4 Water Supply Infrastructure

4.1 Assets

The existing and proposed water supply assets serving the area covered by this DSP are listed in table 1 and 2 of the CHCC 2009 Water Supply DSP background document.

4.2 Estimates of Capital Costs

Capital works comprising new works and renewals with an estimated value of \$70.2M will be required over the next 30 years to provide water supply services to the serviced areas.

Capital cost of works to upgrade and improve water supply services is detailed in table 2 of the CHCC 2009 Water Supply DSP background document.

4.3 Timing of Works and Expenditure

The annual capital works expenditure for water supply is shown graphically in Figure 1. Timing of works and expenditure are to be reviewed and updated if required.

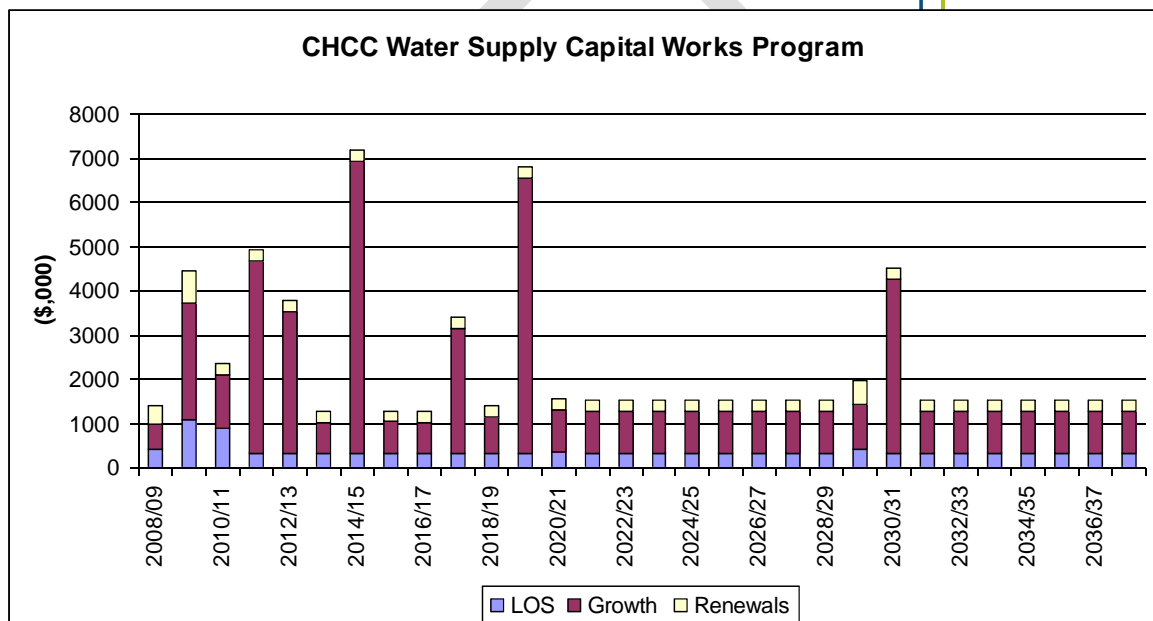


Figure 1: CHCC 30 Years Capital Works Program

5 Standards of Service

The Levels of Service (LOS) are the water supply targets that CHCC aims to achieve. They are not intended as a formal customer contract.

System design and operations are based on providing the standards of service shown below.

- Treated water to 1996 NHMRC/ARMCANZ Australian Drinking Water Guidelines 100% of the time
- Minimum water pressure of 12 meters at the property boundary when supplying the peak instantaneous demand
- Nil unplanned interruptions greater than 6 hours
- Nil programmed interruptions greater than 4 hours
- Unrestricted peak water demand of 2.3 kilolitres per ET per day

The bulk water supply from the Regional Water Supply and Karangi Dam were designed to provide a secure yield. The secure yield is considered to be the annual demand which can be supplied from the headworks over a period of records used in the analysis and satisfying the following conditions:

- Unrestricted water demand of 230 kilolitres per ET per annum
- Water restrictions should not be applied more than 5% of the time
- Water restrictions should not be imposed more often than once every 10 years on average
- The system should be able to supply 80% of the normal demand (i.e. 20% reduction in consumption) through a repeat of the worst drought on record

The key considerations for the procedures were that:

- It is neither practical, economic nor environmentally responsible, to provide "restriction free" water supply systems
- A trade off is necessary between the security of supply provided (i.e. the relative lack of restrictions) and the associated capital and operating costs



6 Design Parameters

Investigation and design of water supply components is based on the following:

- Water Supply Investigation Manual (1990) - This Manual was prepared by NSW Public Works and is now managed by the DLWC
- WS-SPEC Water Service Specification (2000)
- Water Reticulation Code of Australia WSA 03 (1999)
- Design parameters as nominated in the Coffs Harbour Water Supply Strategy Study (de Groot & Benson, 1998)



DRAFT



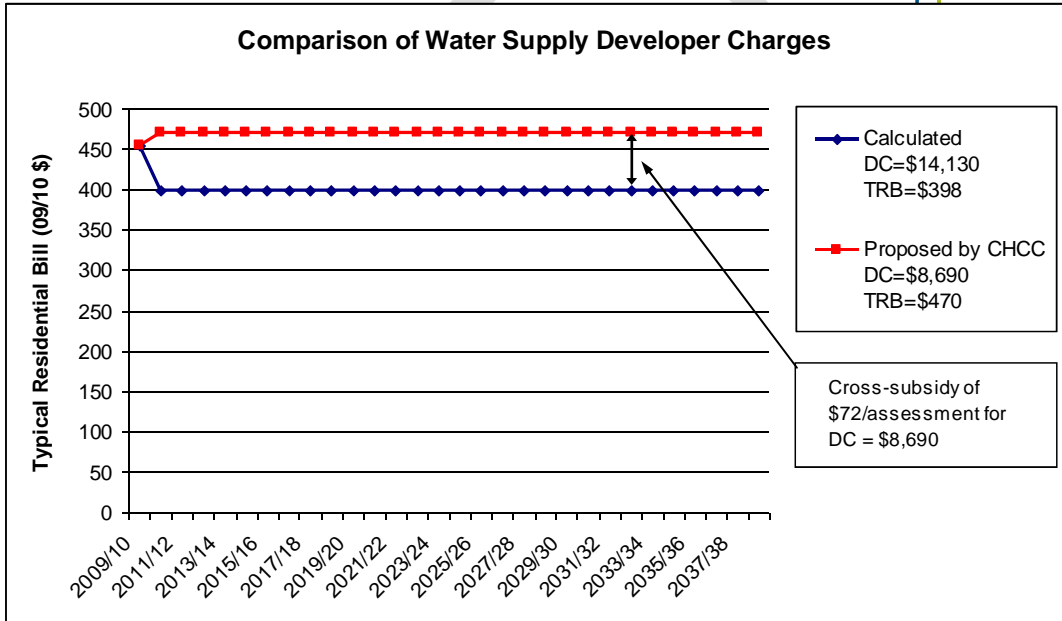
7 Calculated Developer Charges

7.1 Summary of Proposed Developer Charge

In its meeting on the 11th March 2010 Council resolved to levy a developer charge for wastewater services lower than the calculated value. The proposed water supply developer charge is 25% higher than the current contribution charges. Table and graph below show the proposed water supply developer charges and the cross-subsidy involved.

Developer Charge 09/10 (\$ per ET)	Cross-subsidy to new development	Cross-subsidy from Typical Residential Bills (\$/assessment)	Required TRB (10/11 onwards) (\$/assessment)	Resulting Increase in TRB (%)	Resulting total cross-subsidy over 30 years (\$M)
Calculated	14,130	Nil	398	Nil	Nil
Proposed by CHCC	8,690	5,440	470	18	70

Note: TRB stands for Typical Residential Bills





7.2 Summary of Calculated Developer Charges

The developer charges for the area covered by this DSP are as follows:

	Weighted Capital Charge 08/09 (\$ per ET)	Reduction Amount (\$ per ET)	Developer Charge 09/10 (\$ per ET)
Water Supply	15,046	1,247	14,130

The developer charge is indexed to 2009/10 Sydney's CPI of 2.4%. This amount has been calculated on the basis of the following capital charges and reduction amounts.

7.3 Capital Charge

The capital charges for the area served by this DSP have been calculated as follows:

Area	Capital Charge (\$ per ET)	Proportion of growth (%)	Weighted Capital Charge 08/09 (\$ per ET)
Nana Glen	15,786	2.9	456
Coramba	13,590	0.6	14,505
Coffs Harbour Coastal Strip	15,033	96.5	85
Total			15,046

7.4 Reduction Amount

Council has adopted the NPV of Annual Charges method to calculate the Reduction Amount. This method calculates the reduction amount as the NPV of the future net income from annual charges (income less OMA) for the development area.

The reduction amount was calculated using a Financial Plan prepared using FINMOD Financial planning software and a reduction amount calculator developed by DECCW which are based on a 30 year projection. A 10 year calculation of the reduction amount was carried out and extended to 30 years. Details of the reduction amount calculation are included in the CHCC 2009 Water Supply DSP background document.

7.5 Reviewing/ Updating of Calculated Developer Charges

Developer charges relating to this DSP will be reviewed at not greater than 5-yearly intervals. In the period between any reviews, developer charges will be adjusted quarterly on the basis of movements in CPI for Sydney, excluding the impact of GST. Developer charges will be those charges determined by Council from time to time and will be published in Council's Annual Fees and Charges.

7.6 Exclusions

The developer charges do not cover the costs of reticulation works and assets commissioned pre -1970. The developer shall be responsible for the full cost of the design and construction of water supply reticulation works within subdivisions, as well as works leading up to that subdivision.



7.7 Developments Requiring Forward Funding

Developments requiring the provision of infrastructure prior to the planning phase by Council will require the developer to forward fund infrastructure at their own costs and they will be reimbursed as Council receive developer charges from other developments reliant on that infrastructure in the area.

7.8 Payment for Developer Charges

All developer charges will be paid at the rate applicable at the time of application for a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

7.9 Timing of Payment of Developer Charges

Payment of developer charges must be finalised at the following stages:

- Development consents for subdivisions – prior to the issue of a subdivision certificate
- Development consents involving building work – prior to the issue of the construction certificate
- Development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council

7.10 Methodology for Determining Developer Charges to be paid

Refer to Appendix B to determine developer charges to be paid. Developer charges will be applied as follows to all properties rated for water supply (paying standing charge):

- For residential lot in subdivision 1 Residential lot = 1 ET.
- The first lot in a residential subdivision is exempt from developer charges
- The developer charge for a dual occupancy, villa, townhouse or residential flat development is the number of ET's (Equivalent Tenements) generated as per Appendix B minus the charge for one lot (1 ET)

Properties not rated for water supply (paying a standing charge) do not receive the one lot credit.

7.11 Developments Outside Boundaries of DSP

After the adoption of DSP, an unforeseen new development may occur outside the boundaries of the DSP (see Appendix A). If the planning authorities approve the development, Coffs Harbour City Council as the utility may either:

- Apply the developer charges adopted for the DSP to the new development, or
- Prepare a new DSP for the new development

Such a development is likely to require the construction of specific assets. Provided that there are no other constraints to the development, Coffs Harbour City Council may approve construction of the essential assets ahead of time. In such cases the assets will be sized by the Council in accordance with the requirements of the DSP, and the full capital cost would be met by the developer, in addition to the developer charges levied on the development.

If the asset funded by this developer will serve other future development, the developer may be reimbursed when Council collects developer charges from the future development. Council and the developer must enter into an agreement stating how the developer will be reimbursed in the future.



8 Reference Documents

Background information and calculations relating to this DSP are contained in the following documents:

- ❑ Developer Charges for Water Supply, Sewerage and Stormwater Guidelines, December 2002
- ❑ CHCC 2009 Water Supply DSP Background Document (This document contains detailed calculations for the capital charge and reduction amount, including asset commissioning dates, size/length of assets, MEERA valuation of assets, and financial modelling for calculations of reduction amounts. These documents can be reviewed in Councils offices by appointment)



DRAFT

9 Other DSPs and Related Plans

- Coffs Harbour City Council DSP for Wastewater 2009



DRAFT

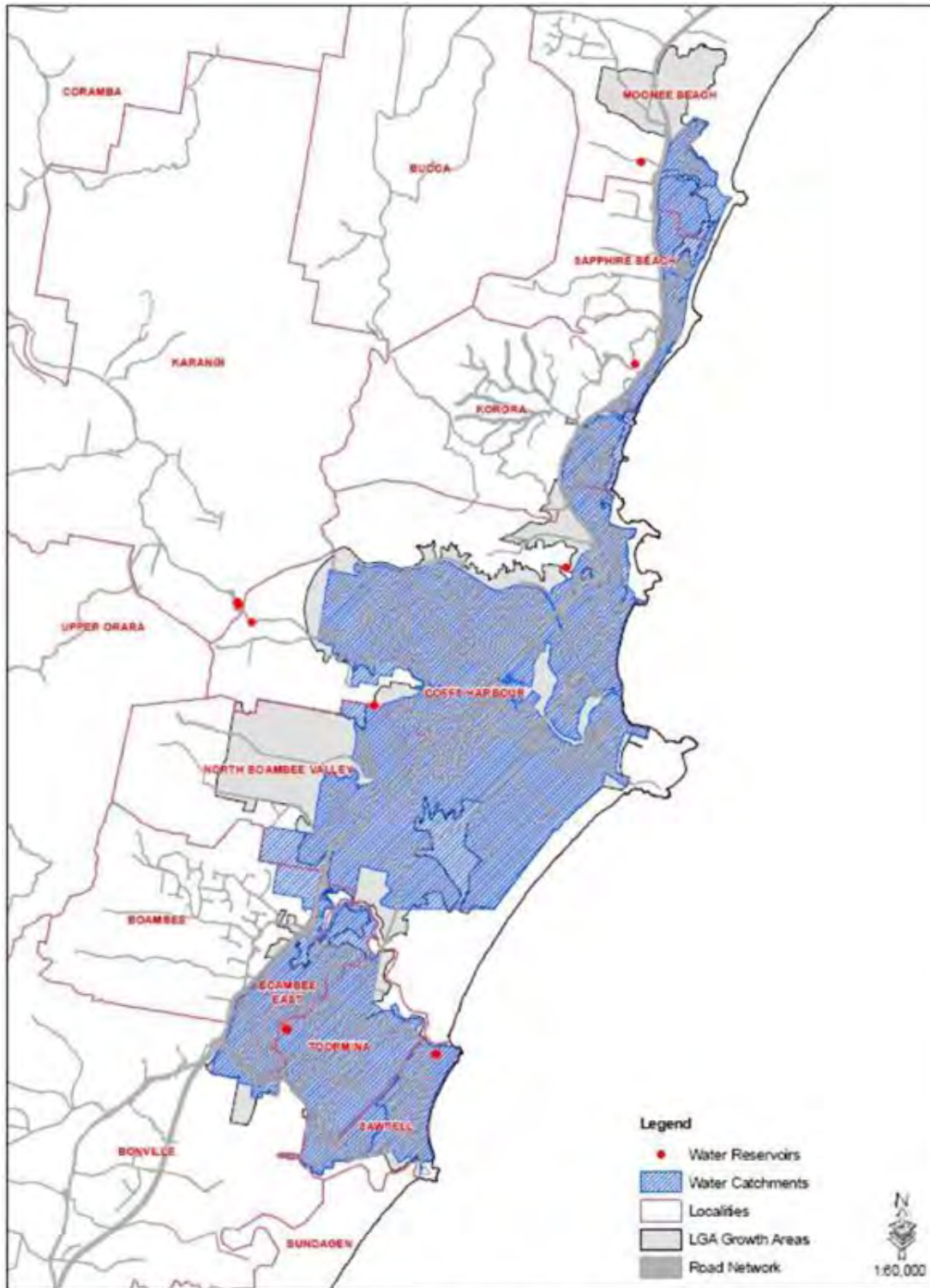


10 Glossary

Annual Demand	Total annual water consumption
Capital Cost	The present Value (MEERA basis) of assets used to service the development
Capital Charge	Capital cost of assets per ET x Return on Investment (ROI) factor.
CHCC	Coffs Harbour City Council
CPI	Consumer Price Index
Developer Charge	A charge levied on developers to recover part of the capital cost incurred in providing infrastructure to new development.
DECCW	Department of Environment Climate Change and Water (formerly DWE)
DSP	Development Servicing Plan
DLWC	Department of Land and Water Conservation
EP	Equivalent Person
ET	Equivalent Tenement
LEP	Local Environment Plan
MEERA	Modern Equivalent Engineering Replacement Asset
NPV	Net Present Value
OMA	Operation, maintenance and administration (costs)
Post 1996 Asset	An Asset that was commissioned by a water utility on or after 1st January 1996 or that is yet to be commissioned.
Pre-1996 Asset	An Asset that was commissioned by a water utility before 1st January 1996.
Reduction Amount	The amount by which the capital charge is reduced to arrive at the developer charge. This amount reflects the present value of the capital contribution that will be paid by the occupier of a development as part of future annual charges.
ROI	Return on investment. Represents the income that is, or could be, generated by investing money.
Service Area	An area served by a separate water supply system, a separate small town or village, or a new development of over 500 lots.

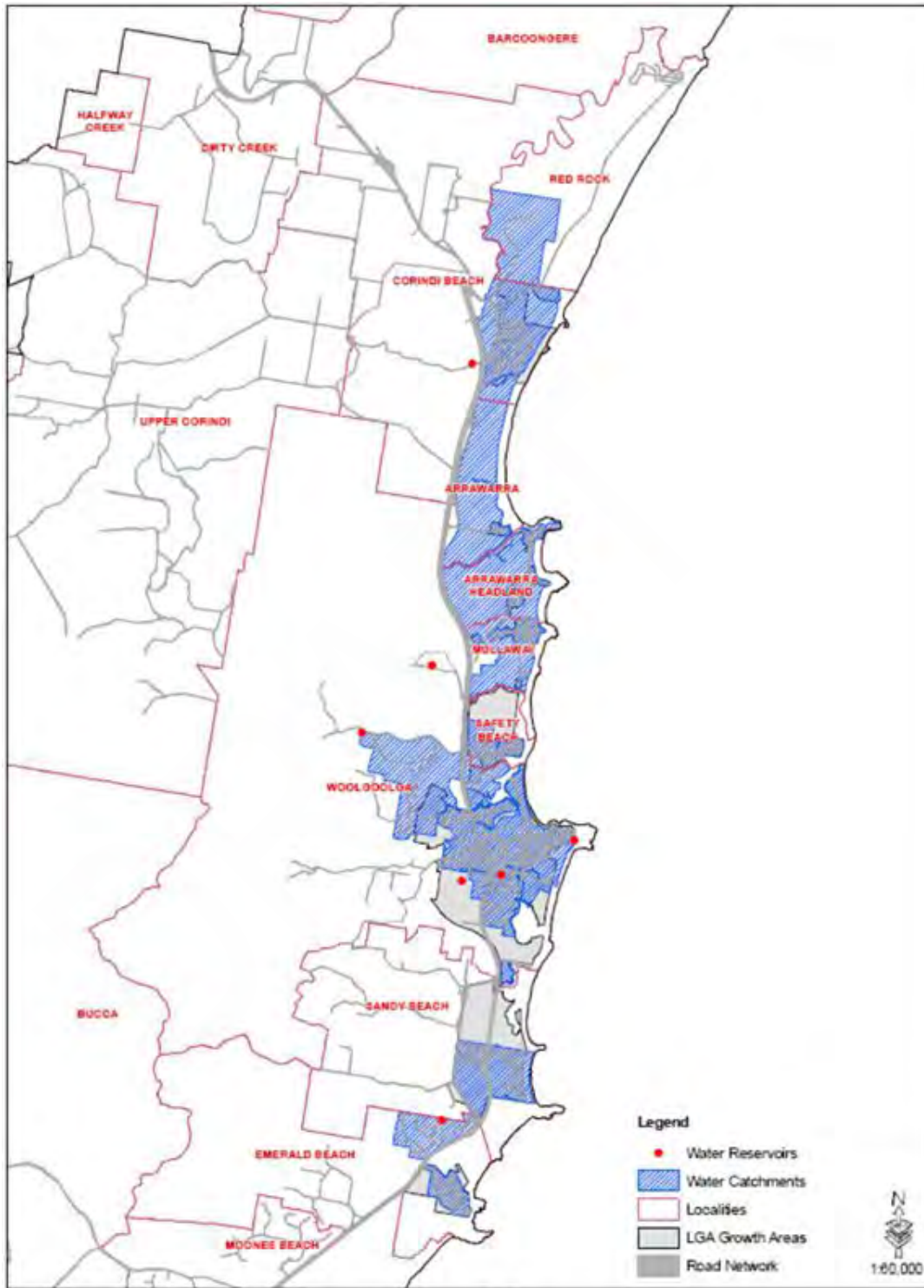
Appendix A

Development Servicing Zone Areas



Water Supply Areas

Figure 2: Coffs Harbour South Serviced Areas



Water Supply Areas

Figure 3: Coffs Harbour North Serviced Areas



Figure 4: Coramba and Nana Glen Serviced Areas

Appendix B

Calculation of Developer Charges to be Paid

Charges shall be calculated for each development application as follows:

$$C = A \times B$$

C = Developer Charges Payable

A = \$8,690/ET as at 30/6/10 or as revised in Council's Annual Fees and Charges.

B = Number of ET's (Equivalent Tenements) from Table 3 (development types) or Table 4 (sum of individual fixtures).



Table 3 Equivalent Tenement Loadings - Development Types

CLASSIFICATION	Unit Rate per ET	
	Water DSP	Waste Water DSP
RESIDENTIAL		
Subdivision lot	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION		
Motel / hotel / resort room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site
BUSINESS PREMISES		
Shop	0.3 per 100m2	0.3 per 100m2
General Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	0.5 per 100m2	0.5 per 100m2
Laundromat	0.5 per machine	0.5 per machine
Office Premises	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET
	Water DSP	Waste Water DSP
Car Wash	Determined on Application	Determined on Application
Plant nursery	Determined on Application	Determined on Application
Service Station	0.6 per lane	0.6 per lane
Car Sales Showroom (indoor)	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	Determined on Application	Determined on Application
FOOD AND DRINK PREMISES		
Café / Coffee Shop	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licenced	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicenced	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES		
Child care without Laundry - per child	0.04 per child	0.04 per child
Child care with Laundry - per child	0.07 per child	0.07 per child
Marina per berth -	Determined on Application	Determined on Application
Place of worship	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	0.5 per bed	0.5 per bed
Educational Establishment - Primary/Secondary		
School	.04 per student	.04 per student
- Tertiary	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student
Eco Tourism facility		
Passenger Transport Terminal	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES		
Hospital	1 per bed	1 per bed
Medical Centre	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	0.5 per consultancy room	0.5 per consultancy room

CLASSIFICATION	Unit Rate per ET	
	Water DSP	Waste Water DSP
Veterinary Clinic	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT		
Bowling Alley	0.2 per alley	0.2 per alley
Brothel	0.4 per room	0.4 per room
Swimming Pool - Commercial	7 per ML	7 per ML
Recreational centre - indoor	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	0.3 per 100m2	0.3 per 100m2

***A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).**

****The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).**

***** For onsite caretaker facilities refer to the residential rate applicable**

Equivalent Tenement Loadings - Known Fixtures:

Table 4 is only to be used if the development type is not categorised in Table 3 or if the development is to be determined on application.

Table 4: Calculation of Equivalent Tenements from known fixture units

Fixture	Equivalent Tenement (ET) Water
Ablution Trough	0.18
Autopsy Table	0.18
Bar Sink (Domestic)	0.07
Bar Sink (Commercial)	0.18
Basin	0.07
Bath	0.26
Bed Pan Steriliser & Washer (Cistern)	0.26
Bed Pan Steriliser & Washer (Flush Valve)	0.18
Bidet	0.07
Bain Marie	0.07
Carwash (Commercial)	6.85
Cleaner's Sink	0.07
Clothes Washing Machine (Domestic)	0.3
Clothes Washing Machine (Commercial)	0.63
Combination Pan Room Sink & Flushing Bowl	0.37
Dental Unit	0.07

Dishwasher (Domestic)	0.18
Dishwasher (Commercial)	0.03
Drinking Fountain	0.07
Garbage Grinder (Domestic)	0.07
Garbage Grinder (Commercial)	0.07
Glass Washing Machine	0.18
Kitchen Sink (Commercial)	0.3
Laboratory Sink	0.07
Laundry Trough, Single or Double	0.3
Potato Peeler	0.18
Refrigerated Cabinet	0.07
Sanitary Napkin Disposal Unit	0.18
Shower	0.11
Shower Bath	0.18
Slop Hopper (Cistern)	0.26
Slop Hopper (Flush Valve)	0.37
Stable (based on a per stable calculation)	0.74
Steriliser	0.07
Urinal (2.4 meters of wall length or 4 stalls)	0.18
Water-closet (cistern)	0.26
Water-closet (Flush Valve)	0.37
Group of Fixtures in one room (bath, basin, shower, water closet)	0.37
Tundish	0.07

As reported to Council 24 April 2013

Coffs Harbour City Council

Development Servicing Plan For Wastewater 2013



Prepared by
HydroScience Consulting
A.B.N. 79 120 716 887
Level 5, 350 Kent Street
Sydney NSW 2000
Telephone: (02) 9249 5100
Facsimile: (02) 9279 2700
Email: hsc@hydroscience.net.au

Document Control					
			Approved for Issue		
Revision	Author	Reviewer	Name	Signature	Date
5	ARA	GAZ	Gidi Azar	<i>G. Azar</i>	4 th June 2010

© HydroScience Consulting 2010

This document shall remain the property of HydroScience Consulting.
Unauthorised use of this document in any form is prohibited.

Summary

This Development Servicing Plan (DSP) covers wastewater developer charges for the following catchments served by Coffs Harbour City Council (CHCC):

- Coffs Harbour
- Moonee/ Emerald
- Woolgoolga
- Corindi

In its meeting on the 11th March 2010 Council resolved to levy a developer charge for wastewater services lower than the calculated value. The wastewater developer charges calculated for the area covered by this DSP and the Council's proposed charges are below:

Wastewater	Residential Developer Charge Calculated 09/10 (\$ per ET)	Developer Charges Proposed by CHCC 09/10 (\$ per ET)
Coffs Harbour City Council	9,804	8,309

Adopting the lower charges will result in some cross-subsidy from existing customers to new development. The extent of the cross-subsidy is \$23 per year for each residential wastewater customer.

This DSP has been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002) issued by the Minister for Land and Water Conservation (now Department of Environment Climate Change and Water – DECCW), pursuant to section 306 (3) of the Water Management Act 2000. This document is to be registered with the NSW DECCW.

The development servicing zone areas covered by this DSP are shown in Appendix A.

The timing and expenditures for works serving the area covered by this DSP are shown in section 4.

Standards of service to be provided by Council are provided in section 5.

Developer charges relating to this DSP will be reviewed as described in section 7.5.

The developer shall be responsible for the full cost of the design and construction of wastewater reticulation works within subdivisions.

The timing of payment of developer charges is described in section 7.9.

A background document titled CHCC 2009 Wastewater DSP Background Document identifies the characteristics of the assets covered by this DSP and is available from Council.



Contents

1	Introduction	4
2	Administration.....	5
3	Demographic and Land Use Planning Information	6
3.1	Growth Projections.....	6
3.2	Land Use Information.....	6
4	Wastewater Infrastructure.....	7
4.1	Assets	7
4.2	Estimates of Capital Costs	7
4.3	Timing of Works and Expenditure	7
5	Standards of Service	8
6	Design Parameters	9
7	Calculated Developer Charges	10
7.1	Summary of Proposed Developer Charge	10
7.2	Summary of Calculated Developer Charges	11
7.3	Capital Charge	11
7.4	Reduction Amount.....	11
7.5	Reviewing/ Updating of Calculated Developer Charges	11
7.6	Exclusions	12
7.7	Developments Requiring Forward Funding	12
7.8	Payment for Developer Charges	12
7.9	Timing of Payment of Developer Charges	12
7.10	Methodology for Determining Developer Charges to be paid	12
7.11	Developments Outside Boundaries of DSP.....	13
8	Reference Documents	14
9	Other DSPs and Related Plans	15
10	Glossary	16



1 Introduction

Section 64 of the Local Government Act 1993 enables a local government council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to section 306 of the Water Management Act 2000.

A Development Servicing Plan (DSP) is a document which details the water supply, sewerage and/or stormwater developer charges to be levied on development areas utilising a water utility's water supply, sewerage and/or stormwater infrastructure.

This DSP covers wastewater developer charges in Coffs Harbour (including Sawtell), Moonee / Emerald, Woolgoolga and Corindi development areas, which are served by Coffs Harbour City Council.

This DSP has been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002) issued by the Minister for Land and Water Conservation (now Department of Environment Climate Change and Water - DECCW), pursuant to section 306 (3) of the Water Management Act 2000.

This DSP supersedes any other requirements related to wastewater developer charges for the area covered by this DSP. This DSP takes precedence over any Councils codes or policies where there are any inconsistencies relating to wastewater developer charges.

This DSP was amended on XX/XX/XXXX with the schedules at appendix B being updated



2 Administration

Coffs Harbour City Council – Wastewater	
DSP Area	The area covered by this DSP is shown on plans in Appendix A, which shows the wastewater area covered by this DSP
DSP Boundaries	The basis for defining the DSP areas boundaries is the existing and future development served by Coffs Harbour City Council wastewater schemes
Payment of Developer Charges	Payment of a developer charge is a precondition to the grant of a Compliance Certificate, which must be obtained in order to complete a development. A Compliance Certificate will not be issued until the developer charge payment has been received.
Time & Payment	Council will issue a Notice of Payment – Developer Charges at the time of assessing development application or other type of application. If payment is made within three months of the date of the notice, no further charges will apply for the development. If payment is not received within three months, a payment will be required prior to issue of Compliance Certificate and the charge will be recalculated in accordance with the DSP valid at that time.
Review	Developer Charges relating to this DSP will be reviewed after a period of 5 years. A shorter review period is permitted if a major change in circumstances occurs.
Indexation	The charges will be adjusted quarterly on the basis of movements in CPI for Sydney, excluding the impact of GST.



3 Demographic and Land Use Planning Information



3.1 Growth Projections

CHCC growth projections for Equivalent Tenements (ETs) are shown in Table 1.

Table 1: Projected Demand Growth in ET

	2006	2011	2016	2021	2038
Coffs Harbour Catchment	14,831	21,000	22,500	24,000	28,800
Moonee/ Emerald Catchment	1,138	1,681	2,188	2,482	3,750
Woolgoolga Catchment	3,227	3,956	4,587	5,151	6,870
Corindi Catchment	465	515	585	660	926

1 ET = a standard urban fully detached dwelling. Source: CHCC

The Coffs Harbour Sewerage Strategy Environmental Impact Statement (CEENA, 2000) predicts population growth population in 2021 as shown in Table 2.

Table 2: Growth Projections for the Areas Covered by this DSP

Area	Population (estimated in 2021)	Equivalent Tenements (ETs) 2006	Equivalent Tenements (ETs) 2038	Total New ETs	Proportion of Growth
Coffs Harbour Catchment	68,050	14,831	28,800	13,969	67.5%
Moonee/ Emerald Catchment	6,700	1,138	3,750	2,612	12.6%
Woolgoolga and Corindi Catchment	17,260	3,692	7,796	4,104	19.8%
Total	92,010	19,661	40,346	20,685	100%

3.2 Land Use Information

This DSP should be read in conjunction with Coffs Harbour City Council Local Environment Plan 2000 as amended in August 2009.

4 Wastewater Infrastructure

4.1 Assets

The existing and proposed wastewater assets serving the area covered by this DSP are listed in table 1 and 2 of the CHCC 2009 Wastewater DSP background document.

4.2 Estimates of Capital Costs

Capital works comprising new works and renewals with an estimated value of \$128.2M will be required over the next 30 years to provide wastewater services to the serviced areas.

Capital cost of works to upgrade and improve wastewater services is detailed in table 2 of the CHCC 2009 Wastewater DSP background document.

4.3 Timing of Works and Expenditure

The annual capital works expenditure for wastewater is shown graphically in Figure 1. Timing of works and expenditure are to be reviewed and updated if required.

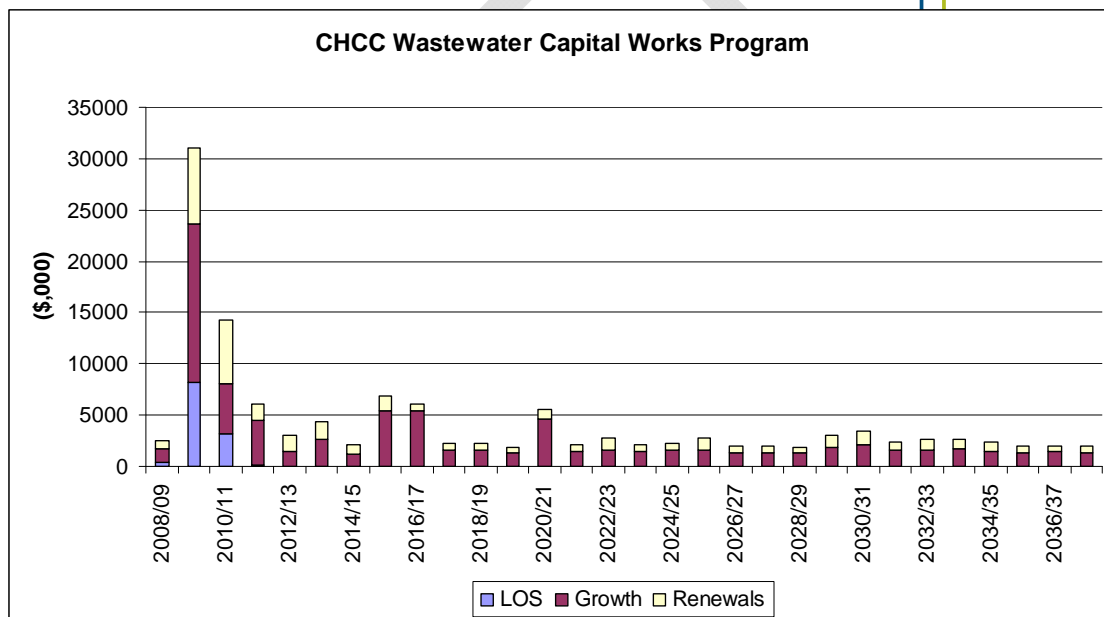


Figure 1: CHCC 30 Years Capital Works Program

5 Standards of Service

The Levels of Service (LOS) are the wastewater targets that CHCC aims to achieve. They are not intended as a formal customer contract.

System design and operation are based on providing the following standards of service:

- Sewage effluent meeting National Water Quality Guidelines for Sewerage Systems, Use of Reclaimed Water, Nov 2000 – Table 3 Food Crops (Direct Contact with Reclaimed Water)
- All sewer chokes removed and service restored within 4 hours
- Sewage overflows less than 1 per pump station per year
- Sewer odour complaints less than 2 per treatment plant and pump station per year - 240 litres per day
- Dry weather flow generated by 1 ET - 576 litres per day



DRAFT

6 Design Parameters

Investigation and design of wastewater system components is based on the following:

- Manual of Practice: Sewer Design (1984) and the Manual of Practice: Sewage Pumping Station Design (1986). These Manuals were prepared by NSW Public Works and are now managed by the Department of Land and Water Conservation
- WS-SPEC Water Service Specification
- Design parameters as nominated in the Coffs Harbour Sewerage Strategy Environmental Impact Statement (CEENA, 2000)



DRAFT

7 Calculated Developer Charges

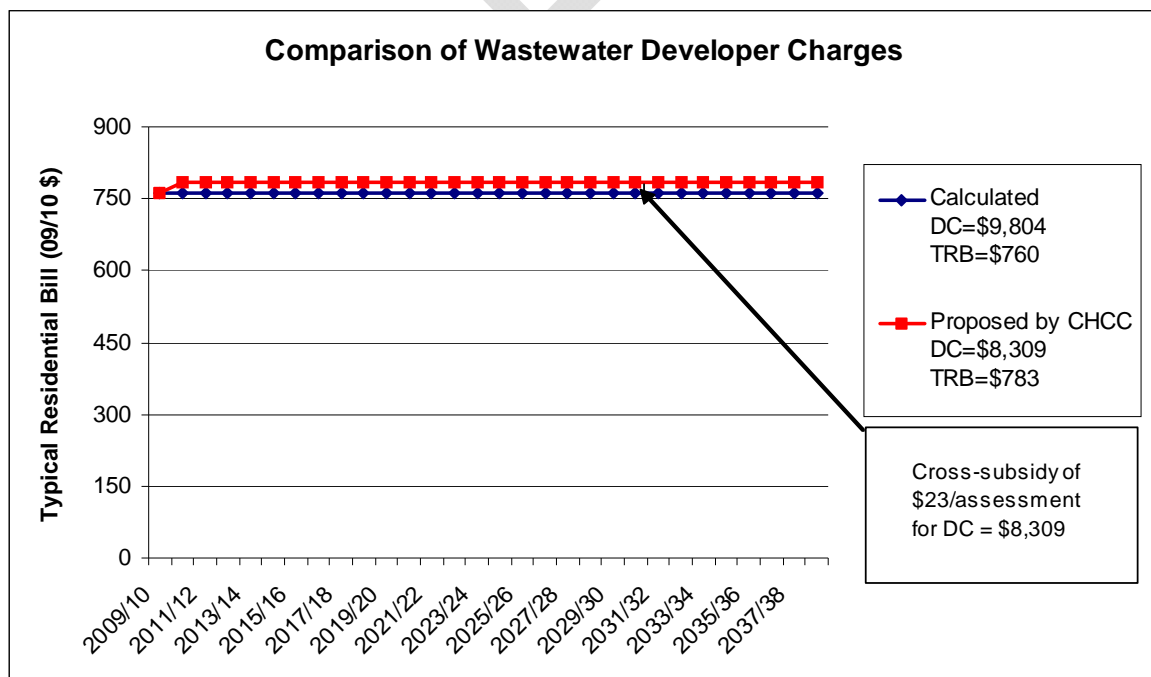


7.1 Summary of Proposed Developer Charge

In its meeting on the 11th March 2010 Council resolved to levy a developer charge for wastewater services lower than the calculated value. The proposed wastewater developer charge is 25% higher than the current contribution charges. Table and graph below show the proposed wastewater developer charges and the cross-subsidy involved.

Developer Charge 09/10 (\$ per ET)		Cross-subsidy to new development	Cross-subsidy from Typical Residential Bills (\$/assessment)	Required TRB (10/11 onwards) (\$/assessment)	Resulting Increase in TRB (%)	Resulting total cross-subsidy over 30 years (\$M)
Calculated	9,804	Nil	Nil	760	Nil	Nil
Proposed by CHCC	8,309	1,495	23	783	3	21

Note: TRB stands for Typical Residential Bills





7.2 Summary of Calculated Developer Charges

The developer charges for the area covered by this DSP are as follows:

	Weighted Capital Charge 08/09 (\$ per ET)	Reduction Amount (\$ per ET)	Developer Charge 09/10 (\$ per ET)
Wastewater	12,028	2,454	9,804

The developer charge is indexed to 2009/10 Sydney's CPI of 2.4%. This amount has been calculated on the basis of the following capital charges and reduction amounts.

7.3 Capital Charge

The capital charges for the area served by this DSP have been calculated as follows:

Area	Capital Charge (\$ per ET)	Proportion of growth (%)	Weighted Capital Charge 08/09 (\$ per ET)
Coffs Harbour Catchment	13,130	67.5	8,867
Moonee/ Emerald Catchment	9,319	12.6	1,177
Woolgoolga and Corindi Catchment	10,004	19.8	1,985
Total			12,028

7.4 Reduction Amount

Council has adopted the NPV of Annual Charges method to calculate the Reduction Amount. This method calculates the reduction amount as the NPV of the future net income from annual charges (income less OMA) for the development area.

The reduction amount was calculated using a Financial Plan prepared using FINMOD Financial planning software and a reduction amount calculator developed by DECCW which are based on a 30 year projection. A 10 year calculation of the reduction amount was carried out and extended to 30 years. Details of the reduction amount calculation are included in the CHCC 2009 Wastewater DSP background document.

7.5 Reviewing/ Updating of Calculated Developer Charges

Developer charges relating to this DSP will be reviewed at not greater than 5-yearly intervals. In the period between any reviews, developer charges will be adjusted quarterly on the basis of movements in CPI for Sydney, excluding the impact of GST. Developer charges will be those charges determined by Council from time to time and will be published in Council's Annual Fees and Charges.

7.6 Exclusions

The developer charges do not cover the costs of reticulation works and assets commissioned pre -1970. The developer shall be responsible for the full cost of the design and construction of wastewater reticulation works within subdivisions, as well as works leading up to that subdivision.



7.7 Developments Requiring Forward Funding

Developments requiring the provision of infrastructure prior to the planning phase by Council will require the developer to forward fund infrastructure at their own costs and they will be reimbursed as Council receives developer charges from other developments reliant on that infrastructure in the area.

7.8 Payment for Developer Charges

All developer charges will be paid at the rate applicable at the time of application for a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

7.9 Timing of Payment of Developer Charges

Payment of developer charges must be finalised at the following stages:

- Development consents for subdivisions – prior to the issue of a subdivision certificate
- Development consents involving building work – prior to the issue of the construction certificate
- Development consents where no construction certificate is required – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council

7.10 Methodology for Determining Developer Charges to be paid

Refer to Appendix B to determine developer charges to be paid.

Developer charges will be applied as follows to all properties rated for wastewater:

- For residential lot in subdivision 1 Residential lot = 1 ET.
- The first lot in a residential subdivision is exempt from developer charges

Or

- The first dwelling on a residential lot is exempt from developer charges
- The developer charge for a dual occupancy, villa, townhouse or residential flat development is the number of ETs (Equivalent Tenements) generated as per Appendix B minus the charge for one lot (1 ET)

Properties not rated for wastewater do not receive the one ET credit.

7.11 Developments Outside Boundaries of DSP

After the adoption of DSP, an unforeseen new development may occur outside the boundaries of the DSP Development areas outside the Development Servicing Zone (see Appendix A). If the planning authorities approve the development, Coffs Harbour City Council as the utility may either:

- Apply the developer charges adopted for the DSP to the new development, or
- Prepare a new DSP for the new development

Such a development is likely to require the construction of specific assets. Provided that there are no other constraints to the development, Coffs Harbour City Council may approve construction of the essential assets ahead of time. In such cases the assets will be sized by the Council in accordance with the requirements of the DSP, and the full capital cost would be met by the developer, in addition to the developer charges levied on the development.

If the asset funded by this developer will serve other future development, the developer may be reimbursed when Council collects developer charges from the future development. Council and the developer must enter into an agreement stating how the developer will be reimbursed in the future.



8 Reference Documents

Background information and calculations relating to this DSP are contained in the following documents:

- ❑ Developer Charges for Water Supply, Sewerage and Stormwater Guidelines, December 2002
- ❑ CHCC 2009 Wastewater DSP Background Document (This document contains detailed calculations for the capital charge and reduction amount, including asset commissioning dates, size/length of assets, MEERA valuation of assets, and financial modelling for calculations of reduction amounts. These documents can be reviewed in Councils offices by appointment)



DRAFT

9 Other DSPs and Related Plans

- Coffs Harbour City Council DSP for Water Supply 2010



DRAFT

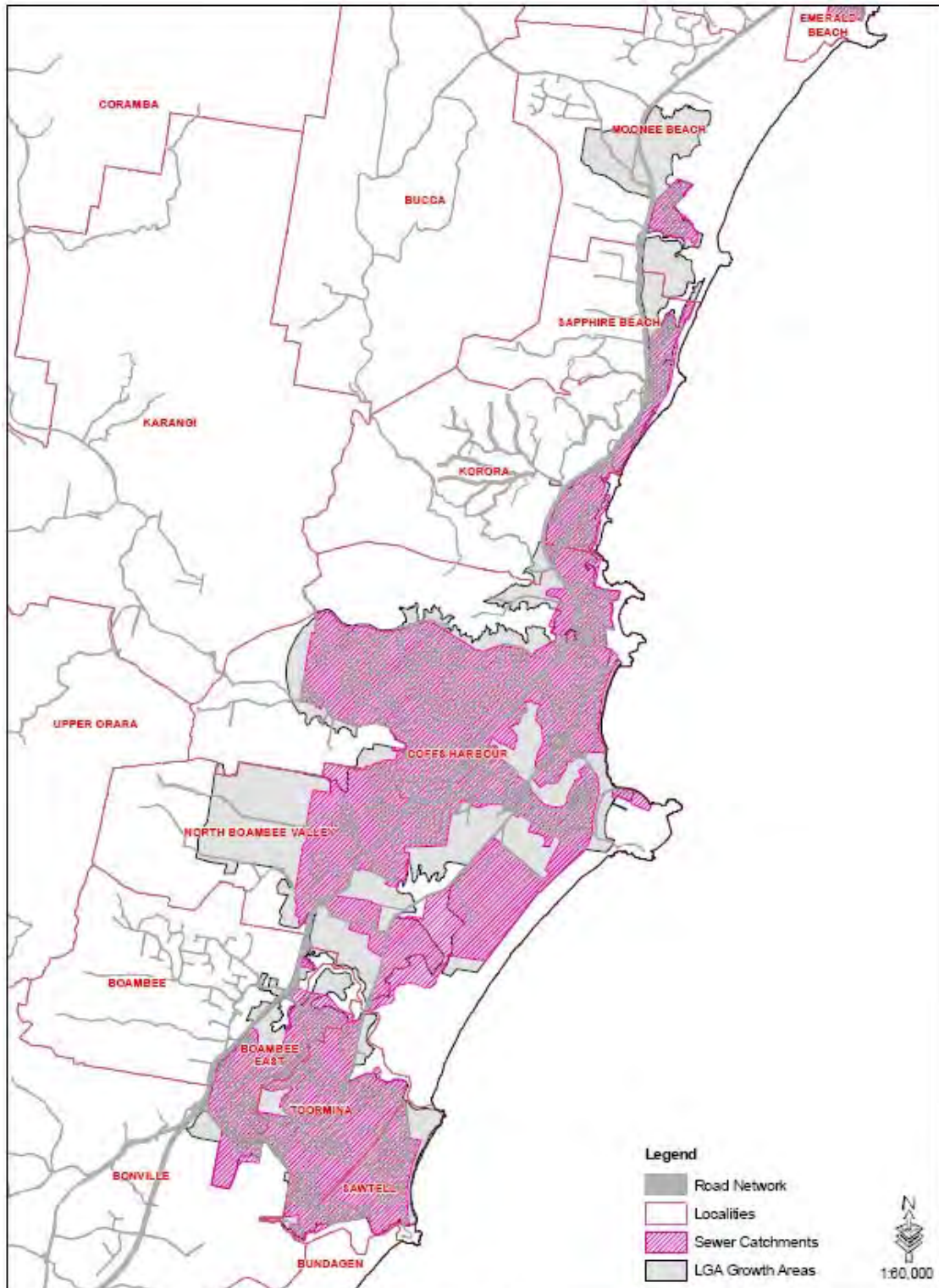
10 Glossary



Annual Demand	Total annual water consumption
Capital Cost	The present Value (MEERA basis) of assets used to service the development
Capital Charge	Capital cost of assets per ET x Return on Investment (ROI) factor.
CHCC	Coffs Harbour City Council
CPI	Consumer Price Index
Developer Charge	A charge levied on developers to recover part of the capital cost incurred in providing infrastructure to new development.
DECCW	Department of Environment Climate Change and Water (formerly DWE)
DSP	Development Servicing Plan
DLWC	Department of Land and Water Conservation
EP	Equivalent Person
ET	Equivalent Tenement
LEP	Local Environment Plan
MEERA	Modern Equivalent Engineering Replacement Asset
NPV	Net Present Value
OMA	Operation, maintenance and administration (costs)
Post 1996 Asset	An Asset that was commissioned by a water utility on or after 1st January 1996 or that is yet to be commissioned.
Pre-1996 Asset	An Asset that was commissioned by a water utility before 1st January 1996.
Reduction Amount	The amount by which the capital charge is reduced to arrive at the developer charge. This amount reflects the present value of the capital contribution that will be paid by the occupier of a development as part of future annual charges.
ROI	Return on investment. Represents the income that is, or could be, generated by investing money.
Service Area	An area served by a separate wastewater system, a separate small town or village, or a new development of over 500 lots.

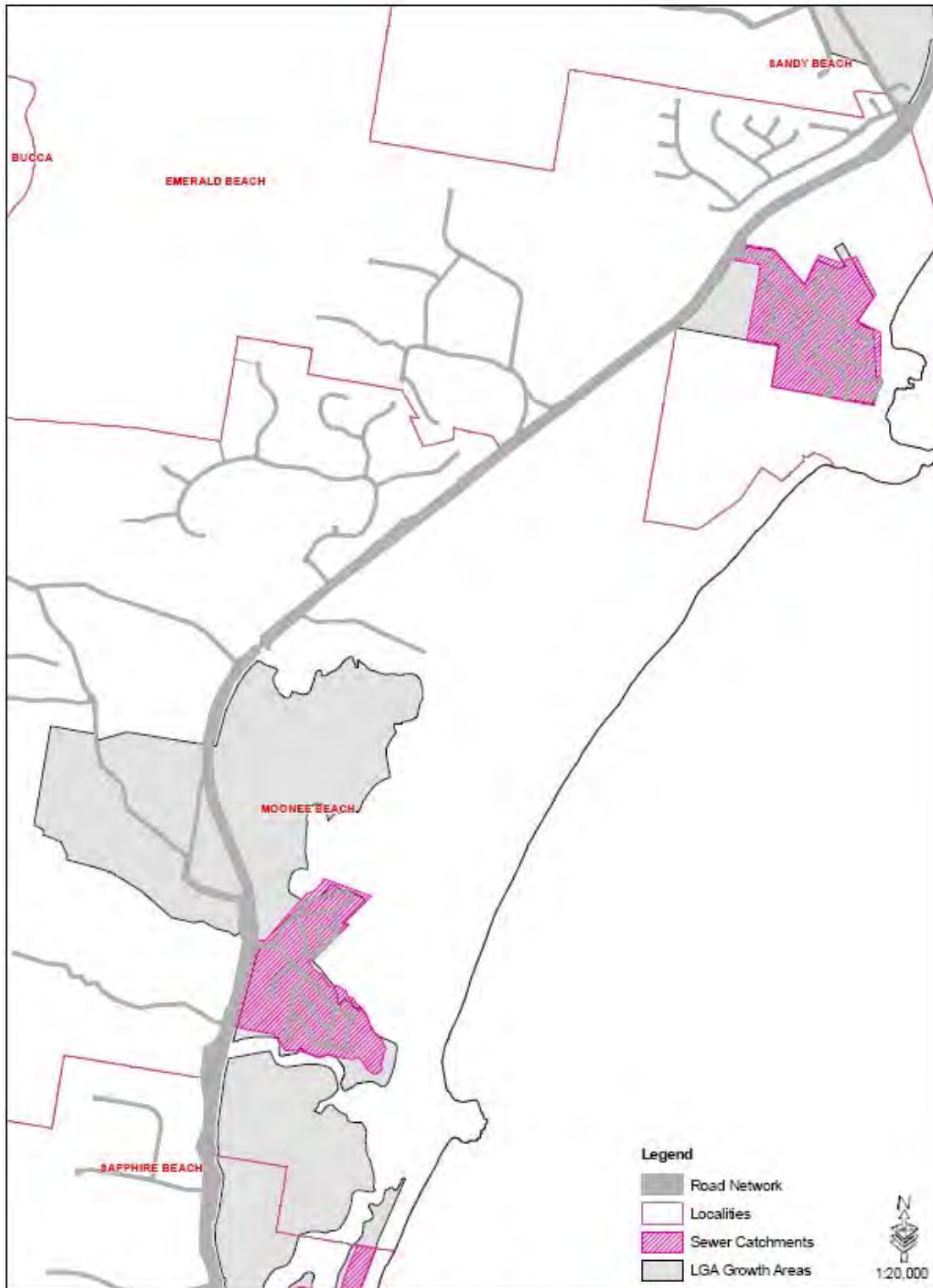
Appendix A

Development Servicing Zone Areas



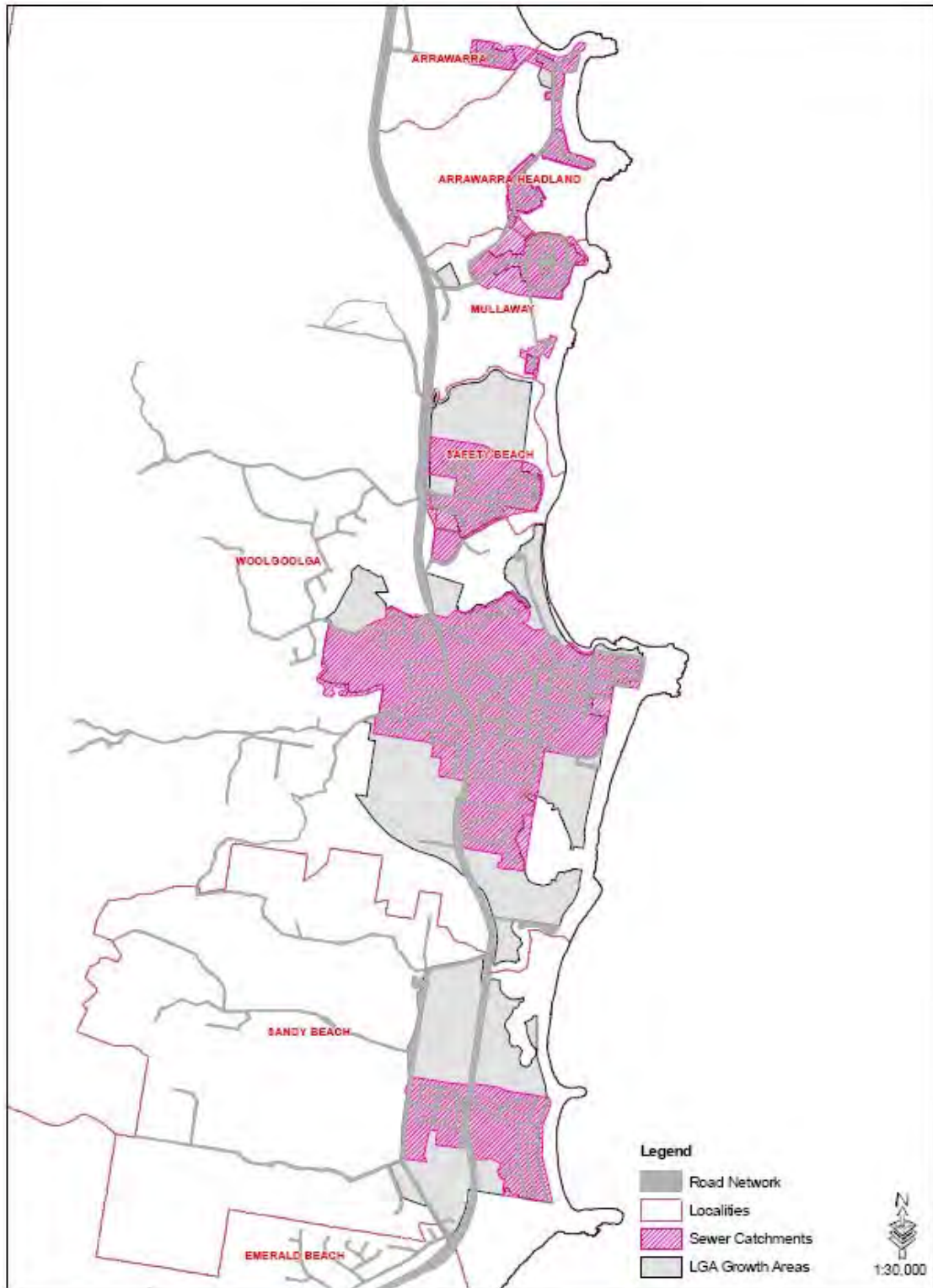
Waste Water Areas

Figure 2: Coffs Harbour Catchment Serviced Area



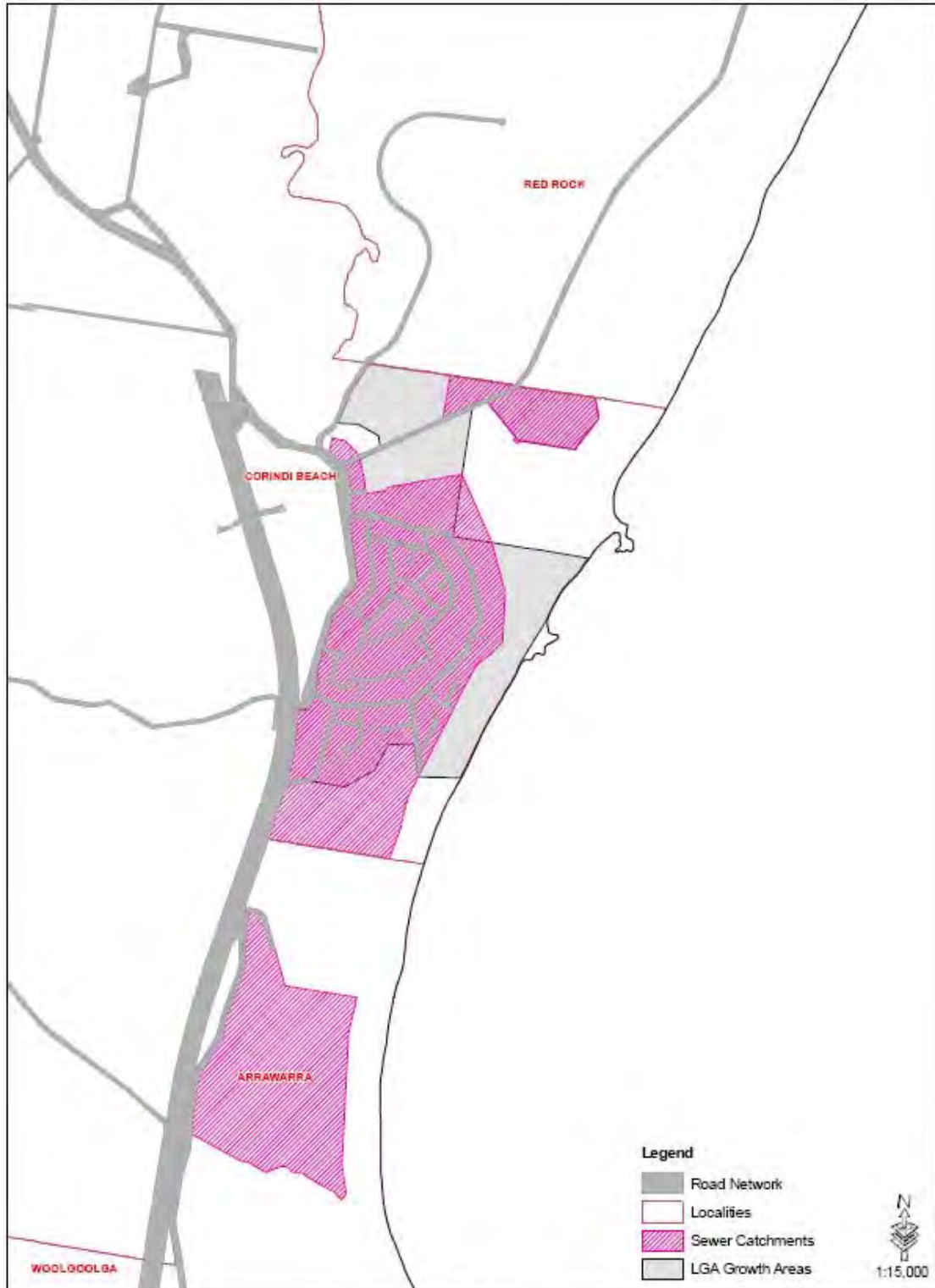
Waste Water Areas

Figure 3: Moonee/Emerald Catchment Serviced Areas



Waste Water Areas

Figure 4: Woolgoolga Catchment Serviced Areas



Waste Water Areas

Figure 5: Corindi Catchment Serviced Areas

Appendix B

Calculation of Developer Charges to be Paid

Charges shall be calculated for each development application as follows:

$$C = A \times B$$

C = Developer Charges Payable

A = \$9,804/ET as at 30/6/2010 or as revised in Council's Annual Fees and Charges

B = Number of ET's (Equivalent Tenements) from Table 3 (development types) or Table 4 (sum of individual fixtures).

Note: B = EP's /2.8

Table 3 Equivalent Tenement Loadings – Development Types

CLASSIFICATION	Unit Rate per ET	Unit Rate per ET
	Water DSP	Waste Water DSP
RESIDENTIAL		
Subdivision lot	1	1
Small Dwelling*	0.7 per dwelling	0.7 per dwelling
Large Dwelling**	1 per dwelling	1 per dwelling
Boarding House	0.35 per bed	0.35 per bed
Seniors Living (SEPP)	0.55 per dwelling	0.55 per dwelling
Nursing Home	0.35 per bed	0.35 per bed
Self Care retirement unit	0.55 per unit	0.55 per unit
Granny Flats (Affordable Rental Housing SEPP)	0.4 per dwelling	0.4 per dwelling
Hostel	0.35 per bed	0.35 per bed
Group Home	0.35 per bed	0.35 per bed
TOURIST AND VISITOR ACCOMMODATION		
Motel / hotel / resort room	0.35 per room	0.35 per room
Serviced apartments	0.35 per room	0.35 per room
Backpackers accommodation per bed	0.1 per bed	0.1 per bed
Bed & Breakfast Accommodation	0.35 per room	0.35 per room
Guest House/Hostel	0.35 per room	0.35 per room
Caravan/Camp/cabin site - Permanent	0.6 per site	0.6 per site
Caravan/ Cabin site temporary	0.35 per site	0.35 per site
Camp/Tent Site temporary	0.25 per site	0.25 per site
BUSINESS PREMISES		
Shop	0.3 per 100m2	0.3 per 100m2
General Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Convenience Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Supermarket	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Bulky Goods Premises	0.2 per 100m2	0.2 per 100m2
Hairdressing/beauty salon	0.5 per 100m2	0.5 per 100m2
Laundromat	0.5 per machine	0.5 per machine
Office Premises	0.65 per 100m2 GFA	0.65 per 100m2 GFA
Warehouse/distribution centre	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Industrial Premise***	0.1 per 100m2 GFA	0.1 per 100m2 GFA
Self Storage Premises***	0.1 per 100m2 GFA (admin area)	0.1 per 100m2 GFA (admin area)
Car Wash	Determined on Application	Determined on Application
Plant nursery	Determined on Application	Determined on Application
Service Station	0.6 per lane	0.6 per lane

Car Sales Showroom (indoor)	Determined on Application	Determined on Application
Car Sales Showroom (outdoor)	Determined on Application	Determined on Application
FOOD AND DRINK PREMISES		
Café / Coffee Shop	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Convenience Store	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Fast Food/Snack Bar No amenities	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Fast Food/Snack Bar with amenities	1.5 per 100m2 GFA	1.5 per 100m2 GFA
Restaurant	1.0 per 100m2 GFA	1.0 per 100m2 GFA
Hotel Public Bar	1.4 per 100m2 GFA	1.4 per 100m2 GFA
Lounge/beer garden	1.3 per 100m2 GFA	1.3 per 100m2 GFA
Registered Club - Licensed	0.6 per 100m2 GFA	0.6 per 100m2 GFA
Registered Club - Unlicensed	0.3 per 100m2 GFA	0.3 per 100m2 GFA
COMMUNITY FACILITIES		
Child care without Laundry - per child	0.04 per child	0.04 per child
Child care with Laundry - per child	0.07 per child	0.07 per child
Marina per berth -	Determined on Application	Determined on Application
Place of worship	1 per 80 seats (pro-rata)	1 per 80 seats (pro-rata)
Cultural Establishment	0.3 per 100m2 GFA	0.3 per 100m2 GFA
Correctional Centre	0.5 per bed	0.5 per bed
Educational Establishment		
- Primary/Secondary School	.04 per student	.04 per student
- Tertiary	.04 per student	.04 per student
- Boarding School	0.35 per resident student	0.35 per resident student
Eco Tourism facility		
Passenger Transport Terminal	0.15 per 100m2 GFA	0.15 per 100m2 GFA
HEALTH SERVICE FACILITIES		
Hospital	1 per bed	1 per bed
Medical Centre	0.5 per consultancy room	0.5 per consultancy room
Dental Surgery	0.5 per consultancy room	0.5 per consultancy room
Veterinary Clinic	0.5 per consultancy room	0.5 per consultancy room
ENTERTAINMENT		
Bowling Alley	0.2 per alley	0.2 per alley
Brothel	0.4 per room	0.4 per room
Swimming Pool - Commercial	7 per ML	7 per ML
Recreational centre - indoor	0.3 per 100m2	0.3 per 100m2
Function/Conference Centre	0.3 per 100m2	0.3 per 100m2

**A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*

***The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*

**** For onsite caretaker facilities refer to the residential rate applicable*

Equivalent Tenement Loadings - Known Fixtures:

Table 4 is only to be used if the development type is not categorised in Table 3 or if the development is to be determined on application.

Table 4: Calculation of Equivalent Tenements from known fixture units

Fixture	Equivalent Tenement (ET) Wastewater
Ablution Trough	0.18
Autopsy Table	0.18
Bar Sink (Domestic)	0.07
Bar Sink (Commercial)	0.18
Basin	0.07
Bath	0.26
Bed Pan Steriliser & Washer (Cistern)	0.26
Bed Pan Steriliser & Washer (Flush Valve)	0.18
Bidet	0.07
Bain Marie	0.07
Carwash (Commercial)	6.85
Cleaner's Sink	0.07
Clothes Washing Machine (Domestic)	0.3
Clothes Washing Machine (Commercial)	0.63
Combination Pan Room Sink & Flushing Bowl	0.37
Dental Unit	0.07
Dishwasher (Domestic)	0.18
Dishwasher (Commercial)	0.03
Drinking Fountain	0.07
Garbage Grinder (Domestic)	0.07
Garbage Grinder (Commercial)	0.07
Glass Washing Machine	0.18
Kitchen Sink (Commercial)	0.3
Laboratory Sink	0.07
Laundry Trough, Single or Double	0.3
Potato Peeler	0.18
Refrigerated Cabinet	0.07
Sanitary Napkin Disposal Unit	0.18
Shower	0.11
Shower Bath	0.18
Slop Hopper (Cistern)	0.26
Slop Hopper (Flush Valve)	0.37
Stable (based on a per stable calculation)	0.74
Steriliser	0.07
Urinal (2.4 meters of wall length or 4 stalls)	0.18
Water-closet (cistern)	0.26
Water-closet (Flush Valve)	0.37
Group of Fixtures in one room (bath, basin, shower, water closet)	0.37
Tundish	0.07