

SECTION 94 BUSHFIRE SERVICES CONTRIBUTION PLAN

1. PURPOSE OF THE PLAN

The purpose of the plan is to specify Section 94 developer contributions for additional demands on bushfire services as a consequence of rural residential and residential development within the Bellingen Shire Council area.

Section 94 of the Environmental Planning and Assessment Act, 1979 grants Council the power to levy developers for bushfire services as a consequence of increased demands from development.

2. LAND TO WHICH THE PLAN APPLIES

This plan applies to all land within Bellingen Shire Council area under the provisions of the Bellingen Local Environmental Plan 1990.

This plan also applies to the Bushfire Brigade areas as designated under the Bushfires Act 1912.

3. NEXUS

Establishing a nexus between rural residential and residential development in the Council area and the need for additional bush fire equipment is fundamental to levying a contribution under Section 94.

3.1 DEMAND

An assessment of development within the Brigade areas will be undertaken to assess the potential for subdivision under Zone No.'s 1(c1) (Rural Residential Zone), 1(c2) (Rural Small Holdings Zone) and 2(b) (Village Area Zone) that are the responsibility of the bushfire brigades. The estimated additional lots in the Brigade areas are contained in the following table.

Table 1

BUSHFIRE BRIGADE AREA ADDITIONAL	POTENTIAL LOTS	EXISTING & APPROVED LOTS	ESTIMATED LOTS TO 2006
GLENIFFER	43	44	18
BOGGY CREEK	44	61	19
HYDES CREEK	62	59	26
EAST END	82	18	35
SUNNY CORNER	16	14	7
BRIERFIELD	15	65	15
NORTH BANK	12	10	7
FERNMOUNT	291	102	126
RALEIGH	199	171	70
URUNGA	57	33	18
REPTON	86	135	28
TOTAL	907	712	369

NOTE: (Existing & approved lots do not include areas under control of N.S.W. Fire Brigades)
(Lots are within 1(c2) and 2(b) zonings)

The potential for additional demand on existing bushfire brigades is directly related to the additional number of lots to be created within each of the brigade areas. There is a

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highlighted need for protection of existing properties and new developments located within high bushfire risk areas. The increase of residents requiring protection from bushfires is well documented by the Department of Bushfire Services.

3.2 WORK SCHEDULE

Table 2

BRIGADE AREA	APPORTIONMENT REQUIRED	WORKS REQUIRED	\$ COST
GLENIFFER	YES	VILLAGE PROTECTION UNIT	12,500
BOGGY CREEK	YES	INSTALL COMMUNICATIONS RADIO	1,500
HYDES CREEK	NO	UPGRADE EXISTING FIRE SHED	2,500
	YES	VILLAGE PROTECTION UNIT	12,560
SUNNY CORNER	YES	NEW TANKER REQUIRED	3,000
BRIERFIELD	NO	UPGRADE EXISTING FIRE SHED	2,000
NORTH BANK	YES	TANKER REQUIRED	2,750
FERNMOUNT	YES	VILLAGE PROTECTION UNIT REQUIRED	40,000
RALEIGH	YES	CONSTRUCT FIRE SHED	18,000
	YES	NEW TANKER REQUIRED	40,000
URUNGA	NO	UPGRADE EXISTING FIRE SHED	5,000
REPTON	NO	ADDITIONAL TANKER REQUIRED	12,000
BELLINGEN	YES	CONTROL CENTRE	80,000
CONTROL CENTRE			
CSIRO NATIONAL BUSH-FIRE MODEL (NBM)	YES	PURCHASE OF SOFTWARE	6,000

BRIGADE AREAS OF DARKWOOD, DEERVALE, THORA, KALANG, FERNBROOK, BOSTOBICK, MOUNTAIN TOP, LOWER BIELSDOWN, MEGAN, VALERY AND MYLESTOM WILL CONTRIBUTE TOWARDS BELLINGEN CONTROL CENTRE AND THE ESTABLISHMENT OF THE NATIONAL BUSHFIRE MODEL

The brigade areas of Darkwood, Deervale, Thora, Kalang, Fernbrook, Bostobrick, Mountain Top, Lower Bielsdown, Megan, Valery and Mylestom cover areas of the Council which contain unpredictable development such as multiple occupancy, rural subdivisions, tourist developments, rural workers dwellings and the like. As such, no Work Schedule exists for these brigade areas and funding for upgrading and improvements of these brigades will be dependent on funding through the Bushfire Council of New South Wales.

The costings within the Work Schedule exclude possible subsidies gained from the Department of Bushfire Services. The Bellingen Control Centre and establishment of the CSIRO National Bushfire Model (NBM) will benefit all brigades within the Council area and the costs of construction of the Control Centre will be shared across all Brigade areas.

4. FORMULAE

Contribution $\frac{\text{Cost of providing brigade item}}{\text{Establish catchment lot yield}} + \frac{\text{Cost of providing Council Control Centre (NBM)}}{\text{Establish catchment lot yield}}$

x the additional equivalent lots x indexing factor generated by the development

Brigade items and Control Centre costings are listed in the works schedule applying to each designated brigade area and the total Council area.

An equivalent lot is calculated on the occupancy rates from the 1991 census.

The indexing factor is calculated by increasing the basic rate of the nominated Brigade area daily from the 1st January, 1993 by C.P.I. factor, calculated on the basis of the Sydney All Groups percentage increase reported for the preceding September quarter. Where the period between 1st January, 1993, base date, and the date of payment exceeds one year, the successive September quarter C.P.I. increase shall be applied to the base contribution amount on a compound basis.

5. METHOD AND TIMING PAYMENT OF CONTRIBUTIONS

Council's policy requires the payment of contributions prior to release of the linen plan in the case of subdivisions, or prior to approval being granted by Council for building or other types of development.

Payment of contributions is generally required in cash and applicants should be aware that the provision of bank guarantees will not be accepted.

Contributions are determined by Council and reviewed annually. At present, contributions are subject to increase by a C.P.I. factor calculated on the basis of the Sydney All Groups percentage increase reported for successive September quarters on a compound basis. The actual contribution payable is calculated daily and can be obtained from Council's cashier.

Where it is proposed to provide contributions in kind, i.e. by dedication of land or provision of material public benefit, Council will assess the value of such contributions prior to development approval. The assessment will be made by obtaining a valuation of the land or by engaging appropriate professional advice to ensure the contribution meets with the terms of this contributions plan.

6. PUBLIC ACCOUNTABILITY

The Council's administration of developer contributions is governed by the following Acts and Regulations:

- a) The Environmental Planning and Assessment Act (1979) as amended and regulations;
- b) The Local Government Act (1993);
- c) Australian Accounting Standard (AAS) 27; and
- d) NSW Local Government Code of Accounting Practice & Financial Reporting.

There is also an opportunity for public participation in the formulation of the contribution plan, and any subsequent changes to it, to ensure that the plan is consistent with the communities needs.

The receipt and expenditure of contributions is required to be kept separate from all other operations of the Council. Details of all contributions including interest earned, balance of contributions available and a statement of the Council's obligation to provide services or facilities is contained within the Council's Annual Accounts and notes to the accounts.

Those accounts may be inspected by any interest person during Council's normal office hours. The Acts and associated Codes and Regulations ensure that the public will have proper scrutiny over the effectiveness of the Council's Section 94 policies and over the accounting processes involved with the management of developer contributions by the Council.

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SCHEDULE A

TABLE OF CONTRIBUTIONS

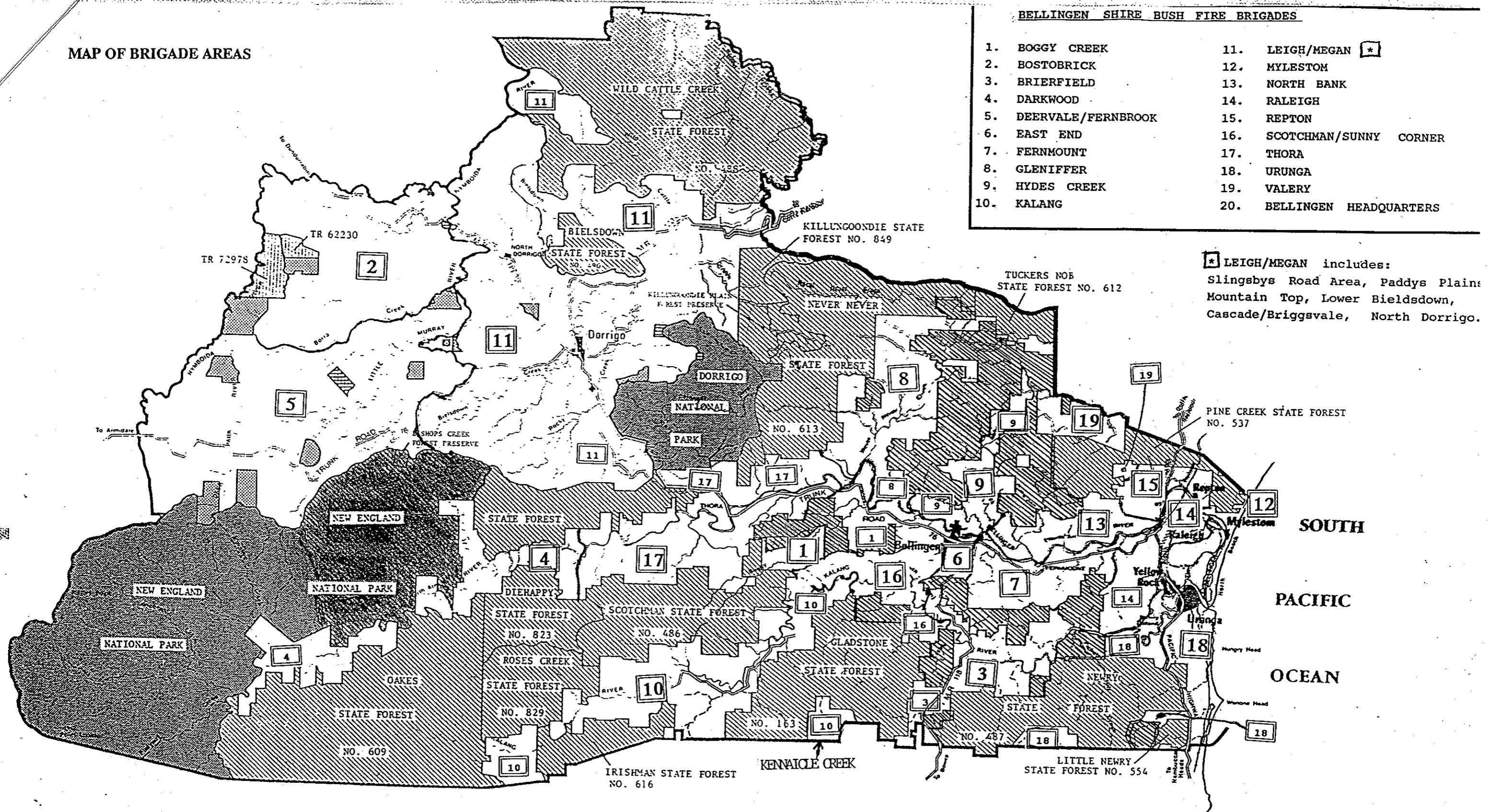
BRIGADE AREAS LOT/DWELLING	COUNCIL WIDE (BELLINGEN CONTROL CENTRE & NBM)	BRIGADE AREA	TOTAL\$PER
GLENIFFER	233.06	33.87	266.93
BOGGY CREEK	233.06	4.06	237.12
HYDESCREEK	233.06	130.02	363.08
SUNNY CORNER	233.06	8.13	241.19
BRIERFIELD	233.06	133.33	366.39
NORTH BANK	233.06	7.45	240.51
FERNMOUNT	233.06	108.40	341.46
RALEIGH	233.06	157.18	390.24
URUNGA	233.06	277.77	510.83
REPTON	233.06	428.57	661.63
OTHER BRIGADE AREAS	233.06	-	233.06

MAP OF BRIGADE AREAS

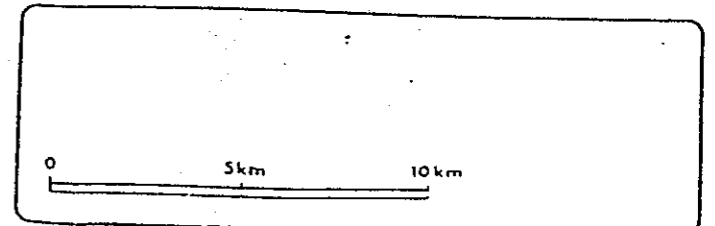
BELLINGEN SHIRE BUSH FIRE BRIGADES

- | | |
|-----------------------|----------------------------|
| 1. BOGGY CREEK | 11. LEIGH/MEGAN * |
| 2. BOSTOBRIK | 12. MYLESTOM |
| 3. BRIERFIELD | 13. NORTH BANK |
| 4. DARKWOOD | 14. RALEIGH |
| 5. DEERVALE/FERNBROOK | 15. REPTON |
| 6. EAST END | 16. SCOTCHMAN/SUNNY CORNER |
| 7. FERNMOUNT | 17. THORA |
| 8. GLENIFFER | 18. URUNGA |
| 9. HYDES CREEK | 19. VALERY |
| 10. KALANG | 20. BELLINGEN HEADQUARTERS |

* LEIGH/MEGAN includes:
 Slingsbys Road Area, Paddys Plains
 Mountain Top, Lower Bielsdown,
 Cascade/Briggsvale, North Dorrigo.



STATE FOREST	
TIMBER RESERVE	
PRESERVED FOREST AREAS	
VACANT AND RESERVED CROWN LAND	
LEASEHOLD LAND	
FREEHOLD LAND	
NATIONAL PARK, NATURE RESERVE	



MAP UPDATED 7-12-92 COL FITZGERALD
 for BELLINGEN SHIRE COUNCIL FIRE CONTROL OFFICER

Bellingen Shire Council

Section 94 Contribution Plan:
Project Administration

August 2007

Plan Version

Version	Adopted	Commenced	Notes
V.1	07.08.07	07.09.07	

Certification

This Contribution Plan, The Bellingen Shire Section 94 Contribution Plan: Project Administration was Adopted by Bellingen Shire Council on 07.08.07 and Commenced on 07.09.07

General Manager
Bellingen Shire Council

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INTRODUCTION

Section 94 Contributions – Summary

Section 94 (s.94) of the *Environmental Planning and Assessment Act (1979)* is a legislative mechanism permitting a Council to recover costs associated with the provision of infrastructure, facilities and/or services required within the local community owing to intensified demand due to development that results in increased population.

Increased population within an area intensifies demand on public infrastructure provided by Councils. Public infrastructure includes local roads and stormwater drainage, recreation and community facilities such as parks, community centres and libraries, and Council supported community service providers such as Surf Life Saving Associations and Emergency Services.

Section 94 guarantees that the provision of additional facilities to be provided is not borne disproportionately by Council and the existing community, by permitting Council to levy a contribution towards the part or full cost of facility provision on any development creating an intensification of demand.

The levy is incorporated within a **Section 94 Contribution Plan**, which authorises the collection of a levy for specified purposes, authorised within the Plan. The levy is calculated according to the demand generated, by either the number of new building lots being created in a subdivision, or the expected occupancy of the new lots. A contribution may be imposed on any form of development that creates additional demand including, residential, commercial, industrial and tourist development.

Additionally, the levy is calculated to provide protection to the development guaranteeing the costs of providing new facilities or infrastructure are equitably shared according to the development level.

There are significant legislative requirements and legal precedents governing plan preparation, management, monitoring and implementation. The contribution plans themselves require constant maintenance, including the detailed monitoring of development, financial management including calculation of contributions rates and expenditure priorities, indexation, reacting to legal precedent and formal review.

Council considers that costs involved with administering the developer contributions system are an integral and essential component of the efficient and effective provision of public services and amenities within the Bellingen Local Government Area (LGA). Council therefore considers it reasonable that the expenses directly related to the administration of the Section 94 Contribution Plans be recovered from developer contributions.

The calculation of contributions is determined from the cost of administration as a percentage of the total annual developer contributions received under the provisions of all contributions plans and development servicing plans in operation within the Bellingen LGA as explained in **Part B** of this plan. Council considers that the recovery of this oncost to manage developer contributions to be reasonable.

PART A

A.1 Name of this Contribution Plan

This Contribution Plan is known as;

Bellingen Shire Council
Section 94 Contribution Plan: Project Administration

A.2 Purpose of this Contribution Plan

This Plan is prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulation 2000*.

This Legislation permits Council to place conditions on consents that can require persons, corporations or other organisations undertaking a specific development to make a monetary or in kind contribution, towards the provision of public infrastructure and community facilities that are identified as being required to meet the need of the community as a result of that development.

This Contribution Plan has the following aims and objectives:

- To determine an equitable and fair contribution rate for the Administration of Section 94 Contribution Plans
- To recover the fair and reasonable direct costs incurred by Council in the development, assessment, administration, monitoring and review of the s.94 program
- To ensure the existing community is not financially disadvantaged by the need to provide additional services for the administration of the s.94 program in the Council area
- To formulate a comprehensive and definitive strategy for the assessment, collection, accounting, expenditure, reporting and review of developer contributions
- To develop a mechanism to deliver the community a service or facility to an acceptable and appropriate level within a reasonable timeframe
- To meet and satisfy the requirements of the *EP&A Act* and *Regulation*

A.3 Land to Which this Contribution Plan Applies

This Contribution Plan applies to all land within the Local Government Area of:

- **Bellingen Shire Council**

A.4 Development to Which this Contribution Plan Applies

This Plan applies to all development occurring within the areas identified in (A.3) Land to which this Contribution Plan Applies, and which requires a Development Application to be submitted to the Council, and which is subject to payment of Developer Contributions in accordance with any current Contributions Plan approved by Bellingen Shire Council.

A.5 Relationship to Other Plans

This Contribution Plan is prepared in relationship to:

- Bellingen LEP 2003

This Contribution Plan relates to all Section 94 Contribution Plans currently adopted and in operation in the Bellingen LGA.

These documents are indexed in Appendix 1

A.6 Performance and Review of this Contribution Plan

This Contribution Plan is based on specific assumptions concerning predicted levels of development and each member Council's administrative costs. The performance of this Plan, in meeting the objectives of:

- providing effective support for the administration of the Section 94 program
- meeting the needs of new development
- ensuring the income from contributions are providing effective and efficient administration of the S94 program,

will require a regular process of review, which should be undertaken within five (5) years of commencement of the contribution plan.

A.7 Date of Commencement of this Contribution Plan

This Contribution plan was adopted by Council on **7th August 2007**.

This Plan is effective from **7th September 2007**

This Plan applies to all Development Applications determined on and after this date.

A.8 Duration of this Contribution Plan

The duration of this Contribution Plan is ten (10) years from the date of commencement.

The Plan may be reviewed at any time within the 10 year period.

Services to be provided are described in Part D.1 Works Schedule.

PART B

B.1 Operation of the Contribution Plan

In the determination of a Development Application, a condition may be imposed by Council requiring a monetary contribution according to the provisions of this Contributions Plan.

The Plan applies to all development that will create a potential increase in demand for public amenities, infrastructure and services identified in member Councils Section 94 Contribution Plans.

B.2 The Contribution Formulae

The contribution rate is calculated by determining the cost of administering Section 94 plan preparation and accounting for each member Council as a percentage of the total annual income from all development contributions.

$$\text{Contribution Rate (CR\%)} = \frac{\text{Tca} \times \text{t\%}}{\text{Tpi}}$$

Where: Tca = total cost of administration

Tpi = estimated total annual income derived from S94 contributions

t% = estimated apportioned time/resource on S94

Ca = administration levy

Worked Example:

Tca - Total cost of administration for S94 over 2 years = \$ 77,330

Annual recovery of costs over 10 year plan = \$ 7,730

Tpi – Estimated annual s.94 income = \$113,000

t% = 100%
= 1

CR% = $\frac{\$7,730 \times 1}{\$113,000}$
= 0.06
= 6%

Average weighted contribution = \$5,000.00
Ca = \$5,000.00 x .06
= \$300.00

Total S94 Contribution including administration levy = \$5,000 + \$300
= \$5,300.00

B.3 When Contributions are Payable

- Where the Contribution relates to Development Applications involving Subdivision the Contribution is payable prior to the release of the Subdivision Certificate.
- Where the Contribution relates to Development Applications involving Building Approvals, the contribution is payable prior to release of the Building Construction Certificate.
- Where the Contribution relates to Development Applications where no building approval is required, the Contribution is payable prior to occupation or use.

B.4 Exemptions and Deferrals

There are no exemptions from this Contribution Plan.

Council will consider in certain circumstances the deferred payment of Contributions subject to the following conditions:

- i. Lodgement of a Bank Guarantee or Deed of Agreement for the amount of contribution payable;
- ii. The maximum period of Deferral is twelve (12) months,
- iii. Interest is charged on all deferred payments and is to be calculated and included into the Bank Guarantee, and this will represent the amount payable at the completion of the period,
- iv. In the event that the outstanding contribution including interest has not been paid at the completion of the deferral period, Council will call in the Bank Guarantee or Deed without further reference to the applicant

PART C

C.1 Nexus

The ongoing development and maintenance of Council's Section 94 Contribution Plans requires the direction of significant resources towards the program to ensure the continued relevance, accuracy and compliance in meeting the Legislative requirements of the Act and the needs and expectations of the community.

The ongoing provision of infrastructure and facilities under the S94 program is dependent on the sound administration and performance monitoring of Council's Section 94 Contribution Plans.

The legislative and administrative functions required to support and maintain the section 94 program include:

- Preparation, administration and review of planning and design studies
- Development of Contribution Plans and attendant policy documentation
- Review of Contribution Plans
- Financial management and accounting of collection, scheduling and expenditure of contributions
- Development of Project and Works Schedules
- Administration of Works in Kind Agreements
- Community consultation
- Reporting and performance monitoring
- Annual Reporting

Bellingen Shire Council has employed a Section 94 Project Coordinator whose sole role is to undertake these functional tasks and to ensure they are executed effectively.

This position is accountable to the joint Bellingen/Nambucca/Kempsey Section 94 Management Group.

The cost of managing the Section 94 Program for Council is apportioned as being 100% of the Coordinator's salary and costs, being a total of \$38,666/pa.

C.2 Causal Nexus

Causal nexus requires the demonstration that the need of a facility or service being subject of the Levy is a direct result of the subject development.

The development of a Contribution Plan places an obligation on Council to provide resources that can effectively manage, administer and monitor the performance of the plan.

Council further has an obligation to review, update and amend the Contribution Plans to guarantee and maintain the operational relevance of the program, and when necessary identify and prepare new Contribution Plans to meet the future needs of the community.

It is clearly demonstrated that the costs associated with the administration and management of the contribution plan program is directly related to the demands of development, and that this Contribution Plan is required to continue effective administration and management of the s.94 program.

C.3 Future Growth

The Bellingen Shire has an uneven and relatively low rate of growth in residential, commercial and tourist related development, all of which is primarily centred on, or within proximity of, the urban areas of Urunga on the coast, the valley town of Bellingen and the plateau centre of Dorrigo.

Council has identified target areas where future growth is to occur and will be subject to increased demand for public infrastructure, facilities and services. Given the current trends in new housing starts the areas of highest growth will continue to occur in close proximity to the coast and established town centres.

This Contribution Plan will levy residential and commercial development.

PART D

D.1 Work Schedule and Contribution Rate

Work Schedule

Item	Description	Cost over Life of Plan	%s.94	Date
1	Section 94 Project Coordinator	\$ 77,330 over 10 years	100	2007 –2017

Contribution Rate

Item	Description	Rate %	Calculation
1	All Development	6%	Calculated on subtotal of payable contributions

APPENDIX A

Contribution Plans

- S94CP Urunga Town Centre Car Parking 1992-93
- S94CP South Urunga Residential Release (Amended) 1993
- S94CP Bushfire Services. *April 2001*
- S94CP Bellingen Bridge Replacement *May 1993*
- S94CP Roads. *Jan 1994*
- S94CP Bellingen Town Centre Car Parking. 1993
- S94CP Community Services and Amenities 1993

APPENDIX B

B.1 Map of Contribution Catchment