



Manly Council

**Manly Section 94
Contributions Plan 2004
(As Amended)**

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1. INTRODUCTION

1.1 Basic Principles of Section 94

The *Environmental Planning and Assessment Act, 1979*, (EPA&A Act) grants councils the power to levy contributions for public services and public amenities required as a consequence of development.

Section 94(1) of the Act states that:-

“Where a consent authority is satisfied that a development, the subject of a development application, will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant consent to that application subject to a condition requiring:-

- (a) the dedication of land free of cost, or
- (b) the payment of monetary contribution, or both”.

Under Section 94(3), Councils are permitted to recoup the cost of public services or amenities provided in advance of, or to facilitate, new development.

Councils may also accept the dedication of land or the provision of a “material public benefit” in part or full satisfaction of a condition imposed under Sub-Section (3), through provisions of Section 94(5).

The Court has established the following principles for testing the validity of a consent condition requiring a Section 94 contribution:-

- The contribution must be for, or relate to, a planning purpose.
- The contribution must fairly and reasonably relate to the subject development.
- The contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

These principles are fundamental to the proper administration of Section 94 and emphasize the importance of “reasonableness”, both in terms of the services for which contributions are sought and the level of contributions.

The legislation allows councils to:-

- Require a contribution (or dedication of land) to fund works or facilities to be carried out in the future.
- Require a contribution to fund works or facilities which have already been constructed.

That is, recovery funding.

The ability to fund new works facilities and the embellishment of existing infrastructure in the community using Section 94 is of great importance to Manly Council. By using contributions (i.e. a “user pays” approach), Council can greatly reduce the cost and impact of providing additional services and facilities generated by new development on the existing residents of the municipality. Section 94 is being utilised by Council to ensure that the service level to the existing population is not reduced, whilst ensuring a similar level of service for the incoming population.

Given that Council will have a number of Section 94 Plans, and because the cost of some capital infrastructure will be paid off over the lifetime of more than one plan, all plans will have contributions based on:-

- (i) Meeting the cost of items in the current Works Schedule.
- (ii) Recognition of the costs to the community of infrastructure already provided.

Unless this approach is followed in all plans, there will be inequities for the community – both to those who are long-term residents and for incoming the population. In addition, and in particular, in relation to (ii), it is because that infrastructure has been provided that further development can occur.

The rationale for taking into account a factor which represents recovery of past expenditure and how that amount is calculated is more fully explained in Chapter 7. It should, however, be pointed out that the rate determined is only a fraction of what Council is entitled to recover, and significantly less than would be the case if incoming residents and businesses were to pay the full value of the services and facilities which they will immediately enjoy.

1.2 What is a Section 94 Contributions Plan?

A Section 94 Contributions Plan is a public document which contains a council’s policy regarding contributions levied on development. It includes details of anticipated increased demand as a result of new development and links this to an increased demand for public services and amenities for which developer contributions will be sought. This link is fundamental to the levying of developer contributions and is the key to deciding whether or not contributions can be levied. The contributions plan should also include contribution formulae, contribution rates, a works schedule and advice on when and how contributions should be spent.

The Plan should be flexible, it should be able to respond to the changing needs of an area, and it should allow for the planned, efficient provision of services and amenities likely to be required as a result of or to facilitate, new development.

The Plan should be for a particular time period for determining both the rate of development and the services and facilities to be provided in that period.

1.3 Key Features of a Section 94 Contributions Plan

The Regulations of the EP&A Act requires that, when preparing and implementing a Section 94 Contributions Plan, Council shall make reference to, and document, the following:-

- *The purpose of the Plan for which contributions may be required.*
This plan has been prepared with the primary purpose of satisfying the requirement of the EP&A Act 1979 and Regulation 2000 and to enable Council to require a contribution towards the provision, extension or augmentation of public amenities and services required as a consequence of the increased demand from development, or provided in anticipation of or to facilitate such development. This plan replaces the Manly Section 94 Contributions Plan, adopted in May 1999.
- *The land to which the Plan applies.*
This Contributions Plan applies to all land within the Manly local government area.
- *The relationship between the expected types of development and the demand for additional public amenities and services to meet that development.*
- *The formulae to be used in the calculations of contributions for public amenities and public services.*
- *The contribution rates for different types of development.*
- *The method and timing of payment of contributions, and*
- *The schedule of works.*

1.4 The Works Schedule

A Works Schedule will list:-

- What services, facilities or amenities are to be provided.
- When the services will be provided, including any phasing.
- What services, facilities or amenities have already been provided in anticipation of, or to facilitate, new development for which Council intends to recoup contributions.
- The projected cost of the work, including anticipated land costs.

The Contributions Plan should define the priorities for providing services and amenities, and the Works Schedule should show the timeframe and/or the demand threshold, at which point the services will be provided.

1.5 S94 Plan Cycle and Review

This section is important and fundamental to the philosophy of this S94 Plan. There is a need to consider the relationship between S94 Plans for an area to ensure a consistent approach over time.

The first S94 Plan was adopted in 1993. Since that time, there have been changes by way of annual reviews and major updating of various sections. It is now time (October, 2004) to set out the method by which reviews will be carried

out. This will highlight one of the fundamental principles underpinning Council's way of maintaining equity between all who benefit from the community's services and facilities.

Attached to **Appendix 1** is a hypothetical scheme setting out how Section 94 Plans will apply over an extended period. This illustrates how the cost of providing facilities will be incorporated in subsequent S94 Plans thus ensuring the equity component is also incorporated in each Section 94 Plan.

The Department of Urban Affairs and Planning Section 94 Manual encourages councils to regularly monitor and review Contribution Plans. Council intends to adopt a practice of reviewing and amending its Section 94 Plan as part of the annual Corporate Management Cycle. In terms of producing a new Contribution Plan, it is intended as a minimum to do this at the end of the five year period covered by this Plan.

The Local Government Act requires Council to produce and adopt a three year rolling Management Plan. Manly Council uses this document as the pivotal management tool for identifying how the needs of the community will be met over that period of time. It also identifies the activities of Council and references these activities to Council's budget, thereby identifying the level and source of funding.

Section 403 of the Local Government Act, requires the inclusion in the Management Plan of Capital Work projects and services to be provided by Council. Funding for these frequently is derived from Section 94 contributions.

The preparation of the Annual Budget and the three year Management Plan provide the ideal opportunity to review and prioritise work for the coming year. Council's Section 94 Plan, therefore, need not deal with the question of prioritizing those works listed in the Work Schedule. This can be left to the annual Management Plan Review and Budget. This avoids frequently amending the Section 94 Plan. In addition, Council has to annually adopt fees and charges, and in the process, adopts any changes to the rate of contribution in the Section 94 Plan.

The Management Plan has to be placed on public display for comment. This requirement provides the public accountability element to changes in priorities and expenditure of the works proposed in the Manly Section 94 Plan.

2. STATUTORY CONTEXT

2.1 Background

As stated in Chapter 1, Section 94 of the EP&A Act, 1979, is the principle source of power available to councils for levying developer contributions for public services and public amenities. A study by ERM Mitchell McCotter in 1999 led to Council undertaking a major update of its Section 94 Contributions Plan. Since that time Council has consistently applied that Contribution Plan to new developments.

The legislative amendments in 1992 were designed to achieve greater public and financial accountability, and to improve Councils administration of Section 94 generally. The EP&A Act was amended in relation to:-

- Removing Councils obligations to monies being held "in trust".
- Requiring Councils to have a Contribution Plan in place before a contribution can be levied.

2.2 Application of Section 94

Section 94 states that Council can require contributions for services and amenities which:-

- Council has a responsibility to provide.
- Are needed as a result of new development.

As Manly Council is responsible for a variety of recreation and community facilities, it is Council's intention to seek contributions for open space, environmental works, recreation and cultural facilities, community facilities, carparking and traffic management as well as upgrading shopping centres and street beautification.

Each component contains a formula to determine the contribution rate, and takes into account the current population level, expected population and workforce growth, the existing provision and value of services, present and anticipated demand for facilities and services, Council's Schedule of Works, the cost of providing new facilities/services and the cost of land acquisition.

The timing of Section 94 contributions is as follows:-

- Development Applications involving subdivision – prior to release of plans for registration.
- Development Applications involving building work – prior to release of Construction Certificate, and
- Development Applications where no subsequent approval or certificate is required – at time of Development Consent.

In some of the above examples, deferred payments could be acceptable with the agreement of Council, subject to suitable financial undertakings such as bonds, and deferral not impacting on the timing of provision of facilities.

The Contribution Rate will, as a minimum, be indexed to Consumer Price Index (CPI) annually. The amount to be paid will be the updated amount as at the date of contribution.

2.3 Complying Development Applications

Where an application is made to an accredited certifier for a complying development certificate;

- (a) The accredited certifier must impose a condition under section 94 requiring the making of contribution in accordance with this plan;
- (b) The contribution must be only a monetary contribution
- (c) The amount of contribution shall be determined in accordance with the quantum specified in “combined Section 94 Contributions tables at pages 59 and 60 of the plan.

3. DEMOGRAPHIC STRUCTURE OF MANLY

3.1 General

Manly Profile:

- ◆ **Location** - Manly is located on the east coast of Australia, 11 kilometers north east of the central business district of Sydney. The area of Manly is 1657ha – (SOE). This comprises 465.3ha of Open Space and National Parks; 555.2ha Residential; 238.4ha Roads; 136.3ha Special Uses; 10.0ha Industrial; 17.4ha Business; 234.4ha Other.
- ◆ **Population** - The population on census night 2001 was 37,587, including overseas visitors. This represents a growth of 3.6% since the 1996 Census (36,265), and an increase of 7.7% since the 1991 Census (34,895).

Manly's estimated resident population as at June 2001 was 39,390 (this is a count of Australians in their usual place of residence, excluding overseas visitors and includes Australians who were overseas at the time of the Census - it more accurately reflects the Manly population) (ABS, 2001).

Manly's estimated resident population (ERP), as at June 2003 was 38,868.1.

In 2001, there were 93 people in the Manly LGA who identified as being Aboriginal or Torres Strait Islanders, with 653 Aboriginal or Torres Strait Islanders in the Northern Beaches area.

- ◆ **Social Characteristics** – Comparisons over time, and with the Northern Beaches and Sydney region, reveal that Manly residents generally are increasingly more likely to be in the 30-49 year age group, and are high-earning professionals with a high level of education. They are also more likely to be couple families without children, living in a group household, and paying higher than average rental or housing loan costs (ABS, 2002). Subsequently 35% of residents earn below \$299 per week and of these nearly 33% are over 65 years of age.
- ◆ **Industry** - Manly has prominence as a tourist destination with an estimated 5 to 8 million visitors annually. People are drawn to Manly with its unique natural environment, beautiful beach and waterways, heritage and cosmopolitan lifestyle.
- ◆ **Economic statistics** - The median weekly household income for Manly was \$1,200-\$1,499, with 40% of households earning \$1,500 or more. This is significantly higher than the median weekly household income for the Sydney region, which is \$800-\$999, or the Northern Beaches at \$1,000-\$1,199. Nearly a third of individuals who had an income of less than \$299 a week were aged 65 years and over (ABS, 2002).

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- ◆ **Households** – There are approximately 18,500 households (Manly-Balgowlah Mail Exchange) and 1002 commercial properties (Manly Council, March 2002). Rated properties: Residential 16,183 (March 2002); and Business 1,002 (March 2002). Postal addresses: 19,500 (Manly-Balgowlah Mail Exchange). Of all occupied private dwellings in Manly (15,530 in 2001), there has been no real increase in the number of separate houses (5,977 or 38.5% of total). However, since 1991 there has been a steady increase in the number of flats, units or apartments (7,572, or 48.8%, up from 47.8% in 1991) and also semi-detached, row or terrace houses and townhouses (1,717, or 11.1%, up from 9.6% in 1991) (ABS, 2002).
- ◆ **Waste** - Total domestic Waste Collection (tonnes) 12,938.73 (SOE); Total volume of domestic waste sent to land-fill (no recycling) (tonnes) 6,082.39 (SOE); Total volume of domestic waste diverted to recycling (tonnes) 6,856.41 (SOE); Public place waste (tonnes) does not include GPT waste 871.20 (SOE)
- ◆ **Vehicle use data** - Number of vehicles entering and leaving Manly (1993 RTA Traffic volume data for Sydney region) 90,846. Registered vehicles in Manly in 2000/01 was 19,482 (SOE).
- ◆ **Roads** – 107.3 kilometers (including 4.3 kilometers state roads) with 317 streets (Manly Council 1996).
- ◆ **Transport** - Manly is serviced by a ferry, bus and road system. Access to the city is via ferry, jetcat and buses which link to rail systems in St. Leonards and Chatswood. Number of trips made on public transport (patronage 2000/01): Bus (Manly Warringah, Brookvale Depot Buses) 12,793,686 (SOE); Ferry and jetcat (to and from Manly) 6,597,346 (SOE).
- ◆ **Areas of remnant bushland** – Within Council's 36 reserves there are 29 hectares (ha) of remnant bushland, 269 ha of National Park and 70ha of Crown land (SOE).
- ◆ **Recreation** - 10klm of walkway along the ocean and harbour foreshore; 3 surfing beaches; many harbour beaches, coves and inlets, an Olympic size swimming pool complex; 8 harbour and ocean swimming pools; 2 golf courses; 21 tennis courts; 14 bowling greens; 13 cricket pitches; 9 football fields; bicycle paths; 3 skateboard ramps, 1 half basketball court, 3 sailing clubs.

The Manly Local Government Area (LGA) is located on Sydney's northern peninsula and has frontage to both the Sydney Harbour and the Pacific Ocean. As a consequence it is a tourist destination for not only Sydneysiders but also tourists from interstate and overseas.

It comprises the suburbs of Manly, Fairlight, Balgowlah, Balgowlah Heights, Clontarf and Seaforth. The only Council area which immediately adjoins Manly is Warringah to the north. The Councils of Mosman and Willoughby are separated from Manly by Middle Harbour. As a result Manly is somewhat self contained.

4. POPULATION AND DEVELOPMENT PROJECTIONS

4.1 Introduction

In the 1999 document, ERM Consultants provided population projections for Manly LGA, from DUAP (Planning NSW) based on three growth scenarios, projected new dwelling completions, and projected occupancy rates. ERM considered these projections to be overly conservative for the Manly LGA, as the medium growth scenario projected that over the 15 year period, Manly's population would decrease by approximately 400 people.

Planning NSW as it was then known advised in 2003 that it will not be providing this type of analysis again, but have calculated the population projections in Table 1. These projections are 1996-based figures from the projections set published in 1999. The average annual growth in population from 2001 to 2016 is between 320 - 360 people per year, or an additional 5,100 people. The projections have been re-calibrated to match 2001 Census totals.

In discussions with Planning NSW it was also suggested that the projections listed in Table 1 will be revised downwards, taking into account previous consultation with Council and local developers, historic dwelling construction data, housing forecasts, average household size and available sites for development. Planning NSW suggest that the Manly population is forecast to grow slower than that indicated in Table 1.

**Table 1:
Draft Projected Populations for Manly LGA, 1996-2026 - Planning NSW**

PROJECTED POPULATION, 1996-2026							
	1996	2001	2006	2011	2016	2021	2026
Total population	37,700	39,400	41,000	42,800	44,500	46,200	47,900
		1996-01	2001-06	2006-11	2011-16	2016-21	2021-26
Population Change (no.)		1,700	1,600	1,800	1,700	1,700	1,700
Average Annual Growth Rate (%)		0.89%	0.80%	0.86%	0.78%	0.75%	0.73%
Average annual growth/year		340	320	360	340	340	340

Source: Planning NSW, Draft unpublished Population Projections for Statistical Local Areas in NSW, 1996-2026

The Australian Bureau of Statistics (ABS) has also released population projections, which reflect the assumptions made about future fertility, mortality and migration trends. These assumptions are formulated on the basis of an objective assessment of past demographic trends over the last decade and their likely future dynamics. Table 2 shows this projection, with a slightly lower growth rate than the projections released by Planning NSW. The average annual growth in population from 2001 to 2014 is between 248-252 people per year, or an additional 3,255 people.

**Table 2:
Projected Population For Manly LGA - ABS**

PROJECTED POPULATION, 2001 - 2019					
	<i>2001</i>	<i>2004</i>	<i>2009</i>	<i>2014</i>	<i>2019</i>
Total population	38,894	39,650	40,892	42,149	43,416
		2001-2004	2004-2009	2009-2014	2014-2019
Population Change (no.)		756	1,242	1,257	1,267
Average Annual Growth Rate (%)		0.64%	0.62%	0.61%	0.59%
Average annual growth/ year		252	248	251	253

*Source: Regional Profile: Manly LGA 2001, ABS
(Projections prepared by the ABS according to assumptions agreed to by the Commonwealth Department of Health and Aged Care).*

4.2 Comparison with historic data

Before adopting the ABS and Planning NSW population projections, it would be useful to compare these with historic data. The Census data in Table 3 shows an average annual growth rate from 1991 to 2001 of 0.72-0.77%, an additional 265-274 people per year. From 1991 to 2001, this was an additional 2,692 people, and from 1996 to 2001, an additional 1,322. It should however, be noted that these figures include overseas visitors.

**Table 3:
Population Growth For Manly LGA - ABS (Estimated Resident Population)**

POPULATION GROWTH, 1996 - 2001						
	1996	1997	1998	1999	2000	2001
Total	37,703	37,755	37,821	38,016	38,018	38,665
Population Change (no/year.)		52	66	195	2	647
Annual Growth Rate (%)						0.50%

*Source: 1996 ERP from Regional Profile: Manly LGA 2001 (ABS)
1997-2002 ERP's from "Regional Statistics, NSW (2003) (ABS)*

As ERM discounted the population projections of Planning NSW in the 1999 adopted document, they based their population growth projection of 274 persons per year on the average annual growth rate from the increase in 1991 and 1996 census night populations. ERM compared the population growth between suburbs for the Manly LGA between 1991 and 1996, showing that both the suburbs of Manly and Seaforth had experienced the most rapid growth.

Chart 1 reflects the growth in Manly's suburbs extracted from the 1991, 1996 and 2001 Census. As can be seen, Fairlight has experienced the biggest increase between 1996 and 2001, although Seaforth displays a steady growth between 1991 and 2001.

Chart 1: Population Growth by Suburb - Manly LGA 1991-2001

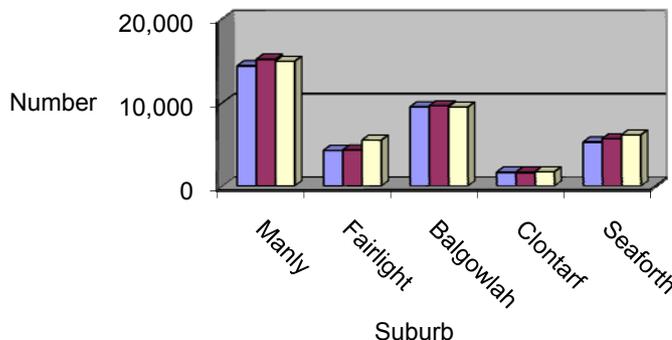
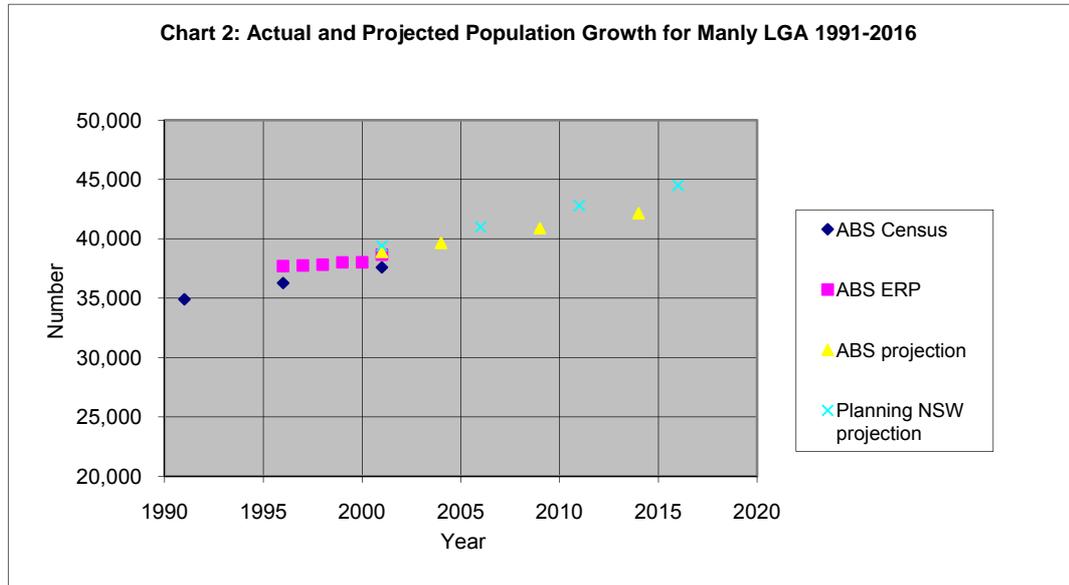


Chart 2 below displays both historic growth (ABS Census and ERP data), and population projections from ABS and Planning NSW.



4.3 Growth Projection Options

Table 4 shows a comparison of the average annual growth rates for actual population growth rates from ABS and projections from ABS and Planning NSW as outlined in Tables 1, 2 & 3.

**Table 4:
Comparison of Average Annual Growth Numbers: Actual and Projections**

<i>ABS Census</i>	<i>ABS ERP</i>	<i>ABS Projection</i>	<i>Planning NSW Projection</i>	<i>Average annual growth / year</i>
270	192	250	340	263

Occupancy rates, dwelling approvals and historical/projected dwelling completions are used in Chapter 5 to complement this estimate and establish a more indicative estimate of population growth.

4.4 Likely Demographics of Future Residents

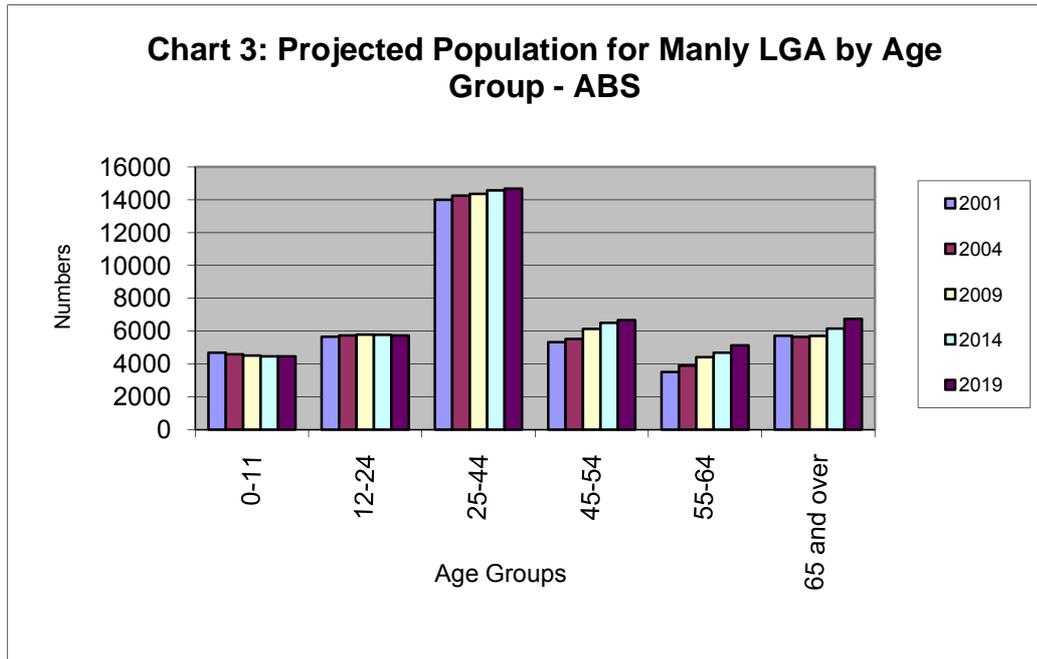
As stated, during the 10 years between 1991 and 2001, the key characteristics of Manly's population and housing structure were an increase in:

- the 30-59 year age group;
- the 0-9 year age group
- high-earning professionals (white collar workers) with a high level of education;
- couple families without children
- those living in a group household
- those paying higher than average rental or housing loan costs
- the number of flats/apartments and townhouses

A decrease in:

- the 15-24 year olds
- the 60-74 year olds
- couple families with children
- 'blue-collar' workers
- those who own their own home
- those who come from a non-English speaking background
- the number of separate houses

Such trends can provide an insight into the future demographic picture for Manly; however there are projections available, which forecast likely changes in age groups. ABS have compiled projected population figures for 2001 to 2019 based on assumptions about future fertility, mortality and migration trends in the Manly LGA (ABS, 2001). Chart 3 highlights the only age groups forecast to increase are those aged 25 years and over. The proportion of children aged 0-11 years are forecast to decline in numbers and the proportion of young people aged 12-24 years remains static.



An Ageing Population:

ABS predicts that the only age group to increase in Manly is those aged 25 years and over. This trend is evident both nationally in Australia, and in other developed countries. The ageing population is:

"... the inevitable result of fertility remaining at low levels over a long period associated with increasing life expectancy. By 2051, the population of NSW aged 65 years and over is projected to almost triple its present size, increasing from 12% of the population in 1999 to 24-27% in 2051" (2000, p.2).

Chapter 3 has highlighted the steady decline in the proportion of people aged 15-24 years in Manly, from 14.4% in 1991 to 11.2% in 2001. ABS (2000) explains that such changes are related to the increase in the proportion of older people:

"The ageing of the population is further affected by the declining proportion of the population aged 0-14 years, which has the effect of rising the median age. Consequently, the age structure of the population is projected to change noticeably by 2051, with a greater concentration of people aged 50 years and over and small declines in the number of young people. (2000 p. 10)

Changing Family Structure:

The demographic analysis has highlighted a decrease over the last ten years in the number of couple families with children, and an increase in couple families without children. Interestingly, the number of children (0-14 years) has increased. However, the ABS population projections (2002) shown in Chart 3 predict fairly static levels in the 0-11 year age group. This is also supported by national projections by ABS (2000):

"In 1999, children aged 10-14 years represented 21% of the New South Wales population. By 2051 this age group is projected to represent between 14% and 16%" (p. 21).

Trends in the total fertility rate (TFR) show a decrease from 3.5 babies per woman before the end of the baby boom in Australia in the mid-1960s, to a TFR in 1998 of 1.76 babies per woman, the lowest ever recorded in Australia (2000, p. 46). The current low level of fertility in Australia is a result of increasing proportions of women remaining childless and couples restricting their family size to one or two children. Both trends are related to the fact that partnering and childbearing are occurring at later ages than in the past, reducing opportunities to have children and limiting the likelihood of larger families. Economic factors, such as the availability of employment, and access to affordable housing and childcare, also have an impact on fertility (ABS, 2002, p, 13).

Couple families with children are projected to increase slowly, reflecting a gradual trend away from this type of family. Conversely, couple families without children are projected to rapidly increase by 2021. The growth in couple only families is related both to declining fertility among younger couples and to the ageing of the baby boomers as they become 'empty nesters' (ABS, 1999).

The other major change in family structure which ABS discuss is that one-parent families are projected to increase between 30% and 66% from 1996 to 2021, with the number of female one-parent families being more than five times the number of male one-parent families (ABS, 1999). In the 2001 Census, 61.6% of Manly residents in one-parent families were female.

Whilst Chart 3 suggests that the number of children (0-11 years) will reduce slightly between 2001 to 2019, the analysis of Census data in Chapter 3 shows that the less than 14 year age group has risen from 14.9% in 1991 to 16.7% in 2001. This growth is supported by the considerable increase seen in attendance numbers at infant/primary schools in Manly (5.7% in 1991, rising to 6.7% in 2001).

Household Size:

In 2001, Manly had more people living alone (11.9% in Manly, 8.9% in the Northern Beaches, and 8.2% in the Sydney region). Of those people living alone in Manly, 39.5% were aged over 65 years. ABS projections point to lone person households being the fastest percentage growth in family households in New South Wales (ABS, 1999, p. 3). Reflecting the fact that older women, in particular are more likely to live alone than others, female lone person households are projected to experience growth of between 56% and 86% (ABS, 1999, p. 3).

ABS predict that the average household size in New South Wales will decline from 2.6 persons per household in 1996 to between 2.3 and 2.4 persons per household in 2021, reflecting the increasing proportions of lone person households and couple families without children (1999, p. 19).

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However, a comparison of 1996 and 2001 census data revealed that Manly has increased its mean household size from 2.3 to 2.4. In 2001, Manly had less people per household than both the Northern Beaches (2.6 persons), and the Sydney region (2.7 persons). Certainly Manly has seen a steady increase in the number of flats, units or apartments (7,572, or 48.8% in 2001, up from 47.8% in 1991) and also semi-detached, row or terrace houses and townhouses (1,717, or 11.1% in 2001, up from 9.6% in 1991). In 2001, Manly also had significantly more people living in a group household (7.1%) compared with the Northern Beaches (3.9%) and the Sydney region (3.7%).

The assumption can be made that given Manly's increasing numbers of apartments and townhouses, that the household size will remain constant. This is supported by the fact that Manly had significantly more people living in a group household in 2001 (7.1%), compared with the Northern Beaches (3.9%), and the Sydney region (3.7%).

4.5 Residential Development Trends

Building approvals for residential developments in the Manly LGA between 1997 and 2002 are shown in Table 5. It is evident that the majority of property development is occurring in Manly, Seaforth and to a lesser extent in Balgowlah. All those buildings approved may not yet be constructed and, therefore, the associated increases to the population may still be filtering into the population. Therefore, it is important to acknowledge that there is a lag between the development approval stage and the actual changes to population that new residential development will create.

Table 5 Development Approvals Register for Residential Dwellings								
<i>Precinct</i>	1997	1998	1999	2000	2001	2002	<i>Total No. of Dwellings</i>	<i>Distribution % of total</i>
Manly	61	46	72	87	88	82	436	53.5
Fairlight	5	11	12	10	22	4	64	7.8
Balgowlah	17	41	35	21	5	20	139	17
Clontarf	9	0	1	2	0	2	14	1.7
Seaforth	20	11	37	24	45	25	162	20
Total	112	109	157	144	160	133	815	100

Source: Manly Council BA and DA Registers

Note 1: For this table the Suburb Balgowlah refers to both Balgowlah and Balgowlah Heights

Note 2: The figures represent the number of new dwellings and includes flats, apartments, duplexes and separate houses.

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Table 5 indicates an annual average dwelling approval of 136 dwellings. It should be noted that this is significantly higher annual approval rate than indicated in the 7 year data included in the 1999 plan (1991-1997). That plan indicated an annual approval of 118 dwellings.

Residential development in Seaforth has been consistent over the past six years with a peak in 2001 when building approval was given to 45 dwellings. The dwelling stock of Balgowlah has grown relatively consistently in recent years with 41 dwellings approved in 1998 and 20 in 2002. Over the last 6 years the rate of development in Balgowlah has fluctuated, but has resulted in the approval of 139 units or dwellings. Balgowlah's dwelling stock will grow considerably in future years, especially with the anticipated development of the Balgowlah Town centre which includes the Totem site.

The suitability of areas in Manly for high density residential developments has risen since 1997. This trend is particularly evident in the Manly suburbs where the amount of annual growth in the dwelling stock has been high during the period 1997 to 2002. As indicated in Table 5 a total of 815 new dwellings have been approved in Manly during that period.

Table 6 shows the projected new dwelling completions for the Manly LGA, as determined by Department of Infrastructure Planning and Natural Resources.

TABLE 6
PROJECTED NEW DWELLING COMPLETIONS IN MANLY
NOTE: DATA FOR 98/99-01/02 IS ACTUAL
02/03 ONWARDS IS PROJECTED.

<i>Year</i>	<i>No. of Dwellings</i>	<i>Actual Growth rate per year</i>
98/99	102	
99/00	237	135
00/01	280	43
01/02	65	-215
02/03	170	105
03 /04	170	0
04/05	170	0
05/06	170	0
06/07	170	0

Source: DIPNR - Metropolitan Development Program 2002 Housing Forecast Forums

Compared with projection data provided by DUAP for the 1999 Plan (which estimated an annual growth of 74 dwellings), the above historical and projected data (estimated at 170 new dwellings annually) is considered more reflective of the DA approvals indicated in Table 5. The development approvals register shows that 144 dwellings were approved in 2000, 160 in 2001 and 133 in 2002.

The net increase in the number of completed dwellings between 1996-2001 was 322 (ABS Census 2001) - being 64 per year. This was considerably less than the total of new dwellings from the previous census period (578), and is indicative of the low annual rate of dwelling approval identified in the previous plan for the period between 1991-97. As indicated by Table 6 however the annual rate of dwelling approval has significantly increased in the past 6 years, and should accordingly result in a higher annual dwelling completions that shown in the previous census period - this is supported by the data provided by DIPNR in Table 6.

4.6 Occupancy Rates

The projected occupancy rates shown in Table 7 estimate a slow decline from an average of 2.33 in 1996 to 2.26 in 2011. The projection is considered realistic due to the growing number of flats/units and apartments being developed and the trend of declining family size throughout Sydney. It is also dependant on the demand for housing types, which has been dominated by flats and apartments in recent years. The present trend in the Manly LGA is toward 1 and 2 bedroom dwellings. This is reflected in the generally decreasing occupancy rates, as shown in Table 7. Although the occupancy rates for 2001 slightly increased from the previous census DIPNR continues to anticipate a drop in average occupancy rates.

TABLE 7
PROJECTED OCCUPANCY RATES
NOTE: DATA FOR 1996 & 2001 IS ACTUAL
OTHERS ARE PROJECTED BASED ON DIPNR.

<i>Dwelling Type</i>	<i>1996</i>	<i>2001</i>	<i>2006</i>	<i>2011</i>	<i>Change</i>
Separate Dwellings	2.79	2.88	2.72	2.69	0.10
Other Dwellings	1.87	1.90	1.84	1.82	0.10

Sources: Census,2001 and DIPNR 1995

4.7 Residential Development Opportunities

To enable the population and dwelling stock of Manly to increase, Manly Council permits residential developments in most non-residential zones. The main planning constraint to the number of new dwellings created through residential developments is the height and floor space ratio restrictions specified in the Manly Residential Zones Development Control Plan. These height and density restrictions place limitations on the development of large flat/apartment blocks in all suburbs except Manly where densities of up to 1 unit / 50 square metres and height of up to 12 storeys are allowed.

Densities vary particularly between the east and western sides of the LGA. The development density is comparatively higher towards the east with residential flat buildings and multi-unit developments being common. More intense development is located along the Manly beachfront and around the Manly town centre and Balgowlah town centre compared to the remainder of the LGA. The western side of the LGA differs in that it is characterised by suburban type detached dwellings on larger lots. In addition, foreshore harbour sites have comparatively lower densities due to the slope and environmental sensitivity of the sites.

In the Manly LGA there are several sites with residential development potential. Many of these sites have been identified in Manly Council's Residential Strategy. Included in this strategy are ten residential developments that have already been given approval. These sites have recently been completed, or are under construction. These developments contribute significantly to the growth in the dwelling stock, particularly the Grande Esplanade Apartments which contain 82 residential dwellings. The other nine residential developments will contribute over 250 dwelling units to Manly's dwelling stock.

The sites in the Residential Strategy have a diverse range of owners. For the six sites identified for development in the short term future Manly Council is ready to negotiate with land owners to initiate appropriate residential developments immediately. These sites include the proposals for the redevelopment of Totem Shopping Centre), and the Mobil service station. In the short term, suggested as a period of 1 -5 years, these sites have the potential to contain approximately 270 dwellings.

In the medium to long term (6 - 15 years), the residential strategy has identified five potential residential development sites. This number has probably increased since 1997 due to the emergence of new sites in 1998, such as the former St Patricks College. In the five sites identified there is potential for over 250 additional residential dwellings to be constructed.

Since the adoption of the 1999 Plan some 115 dwelling sites have been approved within St Patrick's Estate with a potential for a further 25 dwellings

Given these figures, the potential for considerable increases in Manly's dwelling stock is high. The State Government has again initiated a program though the Metropolitan Strategy for further increases in dwelling stock in areas such as Manly.

4.8 Affordable Housing

Manly Council has indicated that there is a considerable shortage of affordable housing in the Manly local government area. In reference to this and to State Environmental Planning Policy No.5 Council sought assistance for the creation of more affordable housing. It requested the NSW government and the Department of Housing assistance in the provision of affordable housing. The Department of Housing made a commitment to provide an additional 50 dwellings in Manly. Together with Warringah, Council continues to explore opportunities for the provision of affordable housing. That project is however still in its infancy. This Section 94 Plan does not recoup any loss of affordable housing however negotiations take place with developers of sites which lead to lost of affordable housing with a view to them making a contribution to not for profit housing schemes..

4.9 Projected Residential Growth

Based on the population growth between 1996 and 2001, the projected growth for the period of the plan, dwelling approvals and historical and projected dwelling completions it is predicted that the population of Manly LGA will increase by an average of 331 persons per year over the life of the Plan.

Basing the population numbers on the 2001 census of 38,827 the population will grow over the life of the plan by 8275 to 47102. This is significantly more than that estimated in the previous plan and is reflected in the higher rates of dwelling approvals and completions in the last few years. It is acknowledged that the growth in some years will be far greater than others and there will also be variation in the spatial distribution of the population growth. Because of this the figures will be reviewed at each five year review period. The growth is likely to be concentrated in Manly which has seen a number of large sites in the Manly CBD developed over the last five years.

In Seaforth, where considerable population growth is expected, State government surplus land comprises an area of some 8 hectares. This land is zoned residential with the potential to hold 82 dwellings. The RTA/Planning NSW have proceeded to dispose of its land holdings deemed surplus by the abandonment of the Warringah Freeway. As discussed above this has resulted in approximately 120 dwelling sites being placed on the market in 2002/05. These are some of the development sites identified in the Residential Strategy prepared by Manly Council. The suburbs of Fairlight and Balgowlah Heights will experience modest growth and the population of Clontarf is likely to decline slightly.

4.10 Likely Demographic Structure of Future Residents:

It is difficult to determine accurately what the demographic structure of the people occupying new dwellings will be in the absence of recent post occupancy surveys. However, in relation to the changes and trends evident in Chapter 3 several characteristics can be suggested with some confidence. With a population increase of about 331 people per year it is important to predict the structure of these future residents so that the provision of community services and facilities can adapt to adequately meet their needs. It is predicted that the new residents of Manly will have the following characteristics;

- household size however has increased slightly from 2.3 to 2.39:
- household heads will be predominantly aged between 30 and 49 years of age;
- most will have no children;
- many will have professional or managerial occupations;
- most will be from English speaking countries or be Australian born; and
- most will move into flats/units or apartments predominantly located in the growth areas of Manly and Seaforth.

It is important to note that there is a high turn around of people in the Manly LGA resulting in a consistent flow of new residents into the area. In 2001, 45.2 per cent of the population aged five and over lived in the same address five years ago. This equates to over half of the 1991 population changing place of residence between 1991 and 1996 and, therefore, a large number of people are potentially moving into the Manly LGA every year.

4.11 Changes in the Demand for Community Facilities and Services

The Manly Contributions Plan is concerned with the net population increases that occur over the 25 year period from 2004 to 2029. Fundamental to the contributions plan is the additional demand that the net population increase will place on existing community facilities and services. It is also acknowledged that the population increase will place increased pressure on the existing and new range of services and facilities. An example of this would be rollerblading and skating facilities in response to the growing popularity of these sports. In the long term the provision of Council facilities and services should be as flexible as possible to accommodate the needs of the incoming population. This flexibility should be structured in relation to particular characteristics of the changing population, such as age groups and cultural structure.

From a preliminary assessment of the existing services and facilities provided by Manly Council and projected changes in the population, the future population of the Manly local government area is likely to need the following:

- additional childcare facilities by either increasing the capacity of the existing centres or building new childcare centres;
- improved access to most community facilities and services;
- the construction of specific recreational facilities to cater for activities with increasing demand. Such activities are skating, rollerblading, cycling, basketball;
- theatres;
- a general entertainment venue to serve the demand for dances, parties and seminars. Many of the existing short falls are caused by the lack of a multipurpose indoor recreation centre;
- additional resources for the Manly library service as its patronage increases;
- embellishments of ovals and sports grounds as demand increases;
- a dedicated youth centre to serve the specific demands of children aged between 5 - 13. Also a possible segregation between those children and those aged between 15 - 21;
- more community facilities that can be hired by a diverse range of community groups for their use and the use of the equipment in that centre. Currently, there are several community groups which have exclusive use of some facilities and these facilities are booked up to 80 per cent of the time for many years into the future. ;
- the extension and renovation of the Andrew Boy Charlton Swimming Centre in Manly or the construction of a new aquatic centre;
- further integration of facilities with increased communication to the public and a reduction of the segregation between some recreational activities such as cycling and walking;

- additional health services, especially for the elderly, and family support with a specific demand for baby care; and
- there is sufficient demand for a new multipurpose community centre located in suburbs other than Seaforth and Manly.
- Streetscape and street safety improvements
- Works to improve the environmental conditions of drainage and waterway areas and to provided for environmental education

These additions to the existing community facilities and services will be outlined in more detail in the various schedules of works later in this Plan.

4.12 Commercial/Retail development

This section examines the current commercial trends in the Manly LGA and the potential for future commercial/retail development. For the purposes of the Manly Contributions Plan it is important to assess the potential demand generated by commercial development for community facilities and services from growth in workforce numbers.

4.13 Existing Commercial/Retail Development

The Manly LGA is one of Sydney's most popular tourist destinations for both national and international visitors. Consequently, the existing commercial development, particularly in the Manly CBD, is dominated by retail, hospitality, services and food outlets. There is also an industrial area in Balgowlah which employs people in manufacturing, wholesale, bulky goods retail and light industry.

Manly LGA had a total workforce of 10,678 people, in 2001. Of the total workforce, 4165 (39%) people were residents in the Manly LGA - this is a slight increase on the 38.8% indicated in the 1996 census. This equates to 6,513 workers coming into the Manly LGA from outside the area which places pressure on the provision of community facilities and services. Overall the Manly economy is not large and most of the residents work outside the LGA

Table 8 Commercial/Retail development trends Approved Commercial/Retail Floorspace						
Approved Commercial/Retail Floorspace (m2)						
	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>Total</i>
Manly	964	0	521	1000	465	2950
Fairlight	0	288	0	0	0	288
Balgowlah	1123	0	0	0	0	1123
Clontarf	0	0	0	0	0	0
Seaforth	0	430	0	0	2004	2434
Total	2087	718	521	1000	2469	6,795

In the Manly LGA there are three main business areas. The Manly CBD is the largest centre and the other main commercial/retail centres are located in Seaforth and Balgowlah. There are various opportunities for future commercial/retail development in Manly and also for the expansion of floor space in existing commercial/retail buildings.

As seen in Table 8, the majority of commercial/retail development over the past 5 years has been in the Manly and Seaforth suburbs. Future increases in commercial floor space are likely to result in a net increase in the workforce. The Seaforth Commercial centre has undergone significant development since the adoption of the 1999 Plan. Mixed development has provided both commercial/retail and residential floor space in this centre. The redevelopment of the Totem shopping centre in Balgowlah will significantly increase the provision of commercial/retail space in that centre. The register of building approvals used in Table 8 is not a comprehensive list of all future commercial/retail development and, therefore, future development can be expected to be greater than shown. The Manly workforce has grown significantly since 1991, as shown in Table 9.

Table 9 Workforce Growth 1991-1996			
	<i>Manly</i>	<i>Outside Manly</i>	<i>Total</i>
1991	3,693	5,930	9,623
1996	3,994	6,302	10,296
2001	4,165	6,513	10,678
<i>Source: Journey to Work, NSW Department of Transport, 1991 & 1996</i>			
<i>Journey to Work, Department of Infrastructure Planning & Natural Resources - Transport Data 2001</i>			

4.14 Recent/Future Commercial/Retail Development

The 1999 supporting document discussed a report prepared by GHD in 1993 estimating growth in commercial/retail floor space over the 20 years from 1993-2013. This estimate was 50,000m² based upon the re-development of the Wentworth Street/Darley Road sites and the Grand Esplanade Site. These major sites have now been developed-incorporating ground floor commercial/retail space but following the trend of recent population needs, developing residential flats above ground floor levels.

In the Manly Council Residential Strategy there are several other sites identified for future commercial/retail development. These are important and imply that Manly's workforce will continue to increase for the next decade. One of the larger commercial developments is the Balgowlah Commercial Centre which has the potential to add thousands of square metres of commercial floor space. These are some examples of future commercial developments that will occur in Manly over the next 10 years. Further, Council has recently made provision in its LEP to ensure that the Radisson and Manly Pacific Hotels continue to provide quality hotel accommodation and confirm Manly as a viable long term tourist centre. These developments have and will continue to increase the size of the workforce and, consequently, place additional demands on community services and facilities such as transport, parking, child care, recreation and entertainment facilities, conferences and meeting facilities.

4.15 Projected Workforce Growth

The 2001 workforce statistics indicate a lower rate of growth of the total workforce than indicated in the previous 5 year period. Compared with the annual workforce growth of 135 persons between 1991-1996, the annual growth over the 10 years to 2001 was 105.5 persons. .

The projected workforce population over the life of the plan has taken account of the following information:

- the average annual approval of commercial/retail floorspace 1992-96 and 1998-2002 - 1,420m²
- the growth of the workforce population between 1991 and 2001, as shown in Table 9.

Although the 1999 Plan estimated that the annual growth rate at 124 persons, this Plan will adopt the annual growth rate of 106 persons as indicated by the lower commercial/retail floor space approvals, and growth in workforce rates seen over recent years.

Changes in Demand for Services and Facilities:

The increase in the size of the workforce will require additional services and facilities to be provided if the quality of the existing provision is to continue. A problem with the existing facilities and services is the quality of traffic and road infrastructure. At present there are deficiencies in the provision of parking, considerable traffic congestion and pedestrian dangers. There are several services that will need additional resources or increases in their capacity due to the past and future growth in the size of the workforce. The social needs of the workers will place increased demand on the services provided in the Manly LGA. It is predicted that the future workforce of the Manly LGA will require the following services and facilities:

- more car parking spaces or transport related infrastructure;
- additional child care services, particularly day care and after school care;
- more health and support services for all people, especially working parents;
- leisure and recreation facilities such as parks for passive recreation, eating areas, and adequate facilities for corporate activities such as sporting venues, conference rooms and entertainment halls; and
- the Manly LGA may require employment support services such as counselling, welfare, training and further education.

The Manly LGA is predominantly a residential locality, but the size of the economy and workforce is often underestimated. The council services and facilities are consumed and used by the people in the workforce, including those that live outside the LGA. The people in the workforce place additional demand on services, especially child care and recreation. This demand will need to be addressed as well as the additional demand induced by future growth in the workforce and increases in the commercial floor space.

4.16 Tourism development

Tourism NSW has not been able to provide an update on visitor nights for this review. Accordingly it is necessary to continue to use the data provided in the 1999 document.

The recent trends in growth in tourist visitor nights in Manly LGA show strong growth at an average annual rate of +4.5% each year between 1994/5 and 1996/7.

Growth of this magnitude is estimated to result in an effective increase of 67.5 per cent in the "resident visitor" population of Manly LGA over a fifteen year period from an estimated figure of 2085 currently to a future total of 3492 persons (an increase of 1407 persons).

These increased numbers of tourists, resident on a short term basis in Manly LGA will contribute to increased demand for a wide range of community facilities and services, in particular recreation and community facilities, open space and transport/pedestrian infrastructure.

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In this Section 94 Contributions Plan, future tourist accommodation, either conventional hotels or backpacker/hostel style accommodation, is considered in conjunction with future resident population and workforce growth, as contributing to the need for improvements to the above mentioned facilities and services.

4.17 Occupancy of Dwellings

Table 10 shows the level of occupancy of dwellings in Manly (2001 Census)

Table 10 Occupancy of Dwellings							
<i>Dwelling</i>	<i>1 Person usually Resident</i>	<i>2 Persons usually Resident</i>	<i>3 Persons usually Resident</i>	<i>4 Persons usually Resident</i>	<i>5 Persons usually Resident</i>	<i>6 Or more usually Resident</i>	<i>Total</i>
House	849	1,858	1,038	1,279	638	255	5,917
Semi-detached Terrace Townhouse	180	205	76	32	12	3	508
Flat or Apartment	1,796	1,689	529	228	56	12	4,310
Caravan Park	0	0	0	0	0	0	0
Other	15	20	3	3	3	3	47
Not stated	12	19	3	0	0	0	34
Total:	2,852	3,791	1,649	1,542	709	273	10,816¹

**Based on raw Census data.*

Overview:

- A high proportion of dwellings in Manly (35.0%) are occupied by two residents. This compares with an SSD figure of 29.9%.
- Lone occupancy accounts for 26.4% of dwellings in Manly compared to 20.1% in the SSD.

4.18 Number of Dwellings by Bedrooms

Table 11 shows the number of dwellings by size, in terms of the number of bedrooms matched to the number of persons in those dwellings in Manly (1991 Census).

Table 11 Number of Dwellings*							
<i>Bedrooms</i>	<i>1 person usually Resident:</i>	<i>2 persons usually Resident:</i>	<i>3 persons usually Resident:</i>	<i>4 persons usually Resident:</i>	<i>5 persons or more usually Resident:</i>	<i>Six 6 or more usually Resident:</i>	<i>Total:</i>
0-1	530	131	3	3	0	3	670
2	1,619	2,044	557	239	39	9	4,507
3	550	1,244	766	735	195	54	3,544
4	73	279	256	448	326	88	1,470
5 or more	18	58	55	90	140	116	477
Not stated	45	18	12	6	9	6	96
Total:	2,835	3,774	1,649	1,521	709	276	10,764¹

Overview:

- A high proportion of the dwellings are either 2 (41.9%), or 3 (32.9%) bedrooms.
- people resident in a 2 bedroom dwelling is the most common type of occupancy in Manly.
- Except for 1 bedroom dwellings, where the average occupancy is 1.24 persons, there are fewer persons in dwellings than number of bedrooms.

4.19 Occupancy Rates for Determining Contributions

The best method of determining the additional demand for services and facilities is arrived at by estimating the size of a household. This has in the past been measured by the number of bedrooms in dwelling and the average occupancy rate for that type of dwelling and its size in terms of number of bedrooms. This data is given in ABS Table E40. This in turn can be utilised for the calculation of the contribution for residential development

Therefore, the average number of people per dwelling, based on the number of bedrooms, is:-

Type:	Person/Dwellings:
Separate Detached House (including detached dual occupancy):	
1 Bedroom	1.4
2 Bedrooms	2.0
3 Bedrooms	2.7
4 or more Bedrooms	3.4
5 or more Bedrooms	3.9
Average for a separate house (for subdivisions)	2.9
High Density developments (including attached dual occupancy and duplexes):	
1 Bedroom	1.4
2 Bedrooms	1.9
3 Bedrooms	2.3
4 Bedrooms	3.1
5 or more Bedrooms	3.3

There will be other classes of residential development for which contributions will be sought. The above occupancy rates will be used in all cases except where it can be shown that the nature of the occupancy is limited, in such cases each will be determined on their merits. For example backpackers' establishments which are regarded as tourist will be assessed according to the number of beds.

The above occupancy rates will also be used for determining credits, for example, in the case of the demolition of an existing residence.

5. MANLY DEVELOPMENT CONTROLS

5.1 Residential

5.1.1 Manly LEP – Residential Zones

On 16th September 1988, the Manly Local Environmental Plan (LEP) was gazetted to provide control over all forms of development, environmental protection and various improvement programs. The LEP has a number of general aims and objectives including:-

To preserve, and where appropriate, improve the existing character and environmental quality of the land to which it applies in accordance with the indicated expectations of the community.

The LEP also states particular aims for housing, including:-

- To maintain, and where appropriate, improve the existing amenity and environmental character of residential zones.
- To provide additional medium-density housing in limited quantities within certain residential zones to assist in the maintenance of the present population of the Municipality, and
- to permit new residential development only where it is compatible with the existing environmental character of the locality, and has a sympathetic and harmonious relationship with adjoining development.

The Manly Local Environmental Plan has only one residential zoning. While all forms of residential development are permitted backpackers accommodation; hotels motels and tourists facilities are limited to the area identified in the Manly LEP as the "Tourist Area"

5.1.2 Residential Zones Development Control Plan:

The Residential Zones Development Control Plan (DCP) was an adopted in conjunction with the Manly LEP.

The DCP controls different types of development within residential zones, including: development in foreshore areas, villa homes, townhouses, flats, motels and subdivisions.

The DCP has an array of controls directed at achieving the environmental outcomes required by the community while at the same time permitting development to continue to occur consistent with the existing character – there are seven density sub zones which are the primary control for determining the extent to which redevelopment can occur.

5.2 Retail/Commercial

5.2.1 Many Local Environmental Plan (LEP) – Retail/Commercial Zones:

The Manly LGA is serviced by the main Town Centre and a number of lower order centres as follows:-

- Balgowlah Shopping Centre
- Seaforth Shopping Centre
- Various smaller shopping centres, meeting the needs of residential neighbourhoods – at Balgowlah Heights, Seaforth north, Bantry Bay Fairlight Manly Heights and North Steyne.

These centres compete with the regional commercial centre of Warringah Mall to the north, which offers a larger variety of services and a more extensive range of department, discount and specialty shops. Over the past decade, Chatswood has also become a major employment zone.

The Manly LEP, aims:-

- to confine existing business zones to the Manly Shopping Centre, and to prevent their expansion into surrounding residential precincts.
- to protect and promote the existing village atmosphere of the Manly Shopping Centre by ensuring that it retains its current local shopping centre character.
- to permit the establishment, with the consent of the Council, of local neighbourhood shops of a single conventional type in all residential zones, and
- to enforce height control in business zones to protect adjoining residential areas from overshadowing.

5.2.2 Business Zones Development Control Plan:

The Development Control Plan for Business Zones 2001 contains more specific planning controls for retail and commercial areas.

6 FUTURE DEVELOPMENT

6.1 Development and Population Potential

6.1.1 Expected Types of Development:

Manly is characterised by a mix of residential, business, industrial, commercial and retail developments, tourism and regional recreation facilities.

There is strong demand for housing in Manly due to its scenic location, recreational facilities and residential amenity. This demand has been met by the increasing development of medium and high density dwellings. There are several localities in the Manly LGA which have potential for future development of housing.

The commercial/retail sector of Manly is growing and employment levels have increased significantly in recent years. This growth is largely based on the retail, hospitality and tourism sectors.

The attractiveness of Manly as a tourist destination has increased in recent years and the potential for future tourist development and associated increase in tourist visits is significant.

It is anticipated that future development in the Manly LGA will be characterised by growth in medium and high density residential development and a growth in the workforce. Higher density residential development growth is likely to be concentrated in Manly and lower density development in suburbs such as Seaforth.

Growth of future commercial/retail floorspace will predominantly occur in the Manly CBD and to a lesser extent in the commercial zones of Balgowlah and Seaforth. There is considerable capacity for future commercial/retail development and this is likely to be met through both the development of new commercial/retail sites and the extension of existing commercial/retail floorspace.

Future tourist accommodation and backpacker/hostel style development is likely to be concentrated around the Manly Town Centre and adjoining beaches and open space areas.

6.1.2 Expected Development and Demand for Additional Public Facilities

The expected growth of future development in the Manly LGA will increase the population of residents, workers, visitors and tourists and, consequently, will:

- place greater demand on existing public facilities; and
- require the provision of new public facilities which are not currently available in Manly.

The nexus between expected development and demand for additional public facilities has been established according to:

- the type of development anticipated;
- the anticipated increase in resident, workforce, visitor and tourist populations resulting from new development;
- the likely characteristics of the new population;
- future demand for services and amenities that is expected to result from a new development;
- the effects of new development on the community and the physical nature of the area; and
- the availability and capacity of existing services to cater for increased demand.

7 SECTION 94 CONTRIBUTIONS PLAN – COUNCIL POLICY

7.1 Principles

It has long been recognised that the attractiveness of an area for development is, firstly, a function of its geographical location and, secondly, the infrastructure that is, or is to be, provided at that locality.

For new or 'Greenfield' site developments, the provision of infrastructure follows established standards and guidelines which are based on identified needs of similar communities to that which is being planned. Therefore, the cost of infrastructure in new or 'Greenfield' development can more easily be quantified during the planning stages, and its provision and financial impact allowed for in the economic equation for such developments and the cost to infrastructure providers recovered.

There are, at least, six arguments why cost recovery should apply in established areas. Those arguments are:-

1. Places emphasis only on new services to support new demand.
2. Does not recognise contribution by past development to services already provided.
3. Ignores the benefit to the development because of services already available.
4. Due to the inability to maintain services because of rate pegging, revenue is required from other sources.
5. The loss of integrity of the system leading to additional demand for services at a future date causing a "snow balling" effect.
6. The history of contributions, both in the past and in the future.

7.2 Equity Principle

When it comes to the provision of infrastructure for development that brings additional population to an established urban area, there has been a less-than-satisfactory and flawed application in terms of equity. This flaw arises from the undue emphasis placed, only on new and additional infrastructure said to be "required" to support the additional demand. This ignores the important issue of compensating the existing community for the value of infrastructure already provided and which still has capacity to be used by "new" residents. There is also a failure to recognise that it is this infrastructure, for example, the golf course or swimming pool, which has attracted such development possible in the first place.

Due to lack of recognition of the above concept, i.e. retrospective equity, proponents of developments in established urban communities have benefited significantly from the infrastructure provided by these communities. The benefit arises when they are not required to adequately compensate the community the full economic value of infrastructure consumed by their development.

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At the same time, the market value of the development would have included, in its sale price, the full economic value of the infrastructure provided by the community. This value, rather than being returned or retained in public hands has, by-and-large, remained as a super bonus to the development.

Additionally, due to Rate Pegging, Council's revenue base has not changed markedly, and does not change as the dwelling stock and population increases. Hence, existing communities have been, and are being, further disadvantaged by having to bear the cost burden of the additional infrastructure required and the on-going resource demands generated by development.

While existing communities in established urban areas have been and are being severely disadvantaged in the ways described above, the capacity of the infrastructure provided by them often needs to be amplified to accommodate increased developments. However, the cost burden for such works has been, and is being carried, to a large extent, by the existing community in which developments occur.

Drawing on the above points, it is clearly evident that, existing urban communities, which are subject to redevelopment, have subsidized and are subsidizing those new developments. Additionally, the value of such subsidies have benefited and are benefiting private concerns rather than enhancing community asset.

Although for some years the incoming population, through development requirements, has contributed to the provision of infrastructure, the rate of contribution is merely a token of the true value of what is provided.

The principles explained in this Section 94 Contributions Plan is, therefore, not new but simply an extension of the principle that the assets of a community should not be diminished as a result of additional demands from new development. Conversely, as a community develops the total value of the infrastructure increases. Therefore, incoming populations, through development charges, can be expected to contribute increasing amounts in order to, at least, maintain the existing assets of the community.

Manly Council, since 1993, has received Section 94 contributions for facilities demanded by the existing and the future community. The contributions received did not meet the full cost of providing these facilities. As a result, the incoming population should continue to pay for those facilities as well as those proposed by this plan.

Beyond this plan, future populations will be required to pay for additional facilities which have not been identified. They should, however, also contribute to the facilities now being provided and still have capacity. This is, therefore, the dynamic process whereby the needs of the community, as identified from time-to-time, are paid off over varying periods. The net effect is that incoming populations will continue to contribute to those facilities demanded (after they have been provided), and consumed, while, at the same time, contributing to facilities to be provided in the future. It is reasonable that this continue in all Section 94 Contributions Plans, as long as the contribution rate is below the value of the infrastructure asset provided by the community.

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One measure of this past investment in infrastructure is the value of community assets. As at November 2004 Council's assets are valued at:-

Community Assets:	Value - \$:
Community Facilities	\$27,162,000.00
Car Parking	19,580,864.00
Other Structures	23,493,000.00
Open Space and Recreation Facilities	121,954,422.00
Roads and Footpaths	56,265,000.00
Drainage	15,075,000.00
Other infrastructure, e.g. sea walls, bus shelters	31,622,000.00
Community Land	1,885,849,571.00
Total Assets:	2,181,001,857.00
<i>Source: Manly Annual Report 2004</i>	

The above assets of the community can be divided into two facilities that is car parking and the remainder. The reason for this distinction is that obligations to contribute towards car parking can be met by a contribution in kind. Therefore the assets are divided into two classes. car parking with an asset value of \$19,580,864.00 and the remainder with an asset value of \$1,985,137,857.00. This is equivalent to \$51,127.76 per person for the estimated 2001 population of 38,827 persons).

As the legislation supports the recovery of this amount, it is not unreasonable for development to make a contribution towards infrastructure already provided, and without which, the new development is unlikely to occur.

Based on the equity principle Council would be entitled to recover from each incoming person, \$51,127.00. However rather than requiring that contribution as well as a proportion of the cost of new works and services Council has chosen to impose a contribution based on the full cost of new works. It will be noted, in Chapter 11, that this will lead to a contribution of \$12,674.48 per person a figure which is significantly lower that the \$51,000+ figure calculated above.

The revenue raised by this approach is of course dependant upon redevelopment occurring. However at that point of time when the population reaches the target figure mentioned in the Plan the revenue raised will represent only 6% of the total asset value of the community infrastructure. On the other hand the population increase will be in the order of 12%. In other words the incoming population will gain more through having access to both new works and works and services already provided.

7.3 Carparking:

Council has for many years and at least since 1971 with the construction of the Whistler St Car Park made provision for public parking to service the commercial activities within the Manly CBD. The estimated cost of Council providing those car parking facilities is \$19,580,864.00. This has resulted in some 710 spaces being available in the Peninsular Pacific Waves and National Car Parks at a cost per space of \$27,578.00 per space.

It has been noted elsewhere, that this has resulted in public parking which is generally well utilized at most times except for when there is some vacant capacity during weekdays.

This is somewhat of an unusual position for a Council within the Sydney Region to find itself given that most Councils with older commercial centres are experiencing an ever increasing demand for more parking. And more so as the surrounding suburbs go through a rejuvenation phase. Many Council's have introduced a requirement for a parking contribution in some form to address this issue. That businesses in Manly currently do not have this problem can be attributed to Council's past actions in providing significant quantities of parking.

This advantage should not be lost. In the future as the centre continues to develop the demand for car parking will grow beyond that currently provided. It has been estimated that by the year 2013 that the floor space will have increased over the past 20 years by some 50,000m² or 2,500m² per year. Clearly the current level of car parking is reaching a threshold where it will not be able to accommodate the ongoing demand for parking associated with development which occurs over the years to 2030 nor does it take into account any increase in the level of car ownership.

In the past Council has required the provision of parking for Commercial and retail developments generally at a rate of one space per 70m². This is well below the RTA standard. Unless Council alters the current situation in regard to car parking, funds will not be available to construct parking in appropriate locations to meet the shortfall.

The Development Control Plan for the Business Zone is currently being amended to bring the parking requirements up to the RTA standard with the proviso that up to a maximum of fifty percent of that parking may be provided on site and the balance will be paid to Council as a car parking contribution to recover the cost of providing the parking which is now in place, that is \$27,528. This figure is to be increased annually in line with the CPI until such times as it is reviewed at the end of each five year period.

8 COMMUNITY SERVICES, CENTRES AND FACILITIES

Basis of Nexus:

The Department of Urban Affairs and Planning's Section 94 Contribution Plans Manual states that:-

Council should provide reasonable community amenities that meet the demands generated by the development.

The Manual does not, however, indicate those community services and facilities for which Contributions can be levied. It is considered that the needs of residents for community services and facilities, as well as the cost of those services and facilities, will vary according to the intricacies of each Local Government area. It has been established the likely needs of the identified incoming population so as to ensure that the required amenities can meet these needs in order to maintain the existing level of service. The needs of this incoming population are also met by existing community facilities. It has been recognised that contributions can be sought towards recovery of past expenditure. Council, on behalf of the community, has already provided a significant number and wide range of facilities and the incoming population will be able to take immediate advantage of these.

Residents are also looking to their Council to provide an ever-increasing range of services that have not been provided in the past. This is especially the case with community facilities and special services for the young, aged and those with disabilities.

The range of services and facilities demanded includes: community halls, neighbourhood centres, senior citizens centres, long-day care centres, youth services, libraries, occasional care, family day care and early childhood health centres.

Section 94 Contributions cannot be used to raise the level or standard or existing services within an identified catchment. Contributions may, however, be used to ensure that an existing level of service is provided to the extent necessary to meet the needs of a new population. The income would not meet the entire financial needs of Council to provide facilities and services for the residents of Manly, however, the contributions provide a valuable source of funding which would, otherwise, not be available.

In established urban areas, it is necessary to understand and respond to needs associated with new development which cannot be met by existing capacity, and assess the impact of changing population characteristics.

Existing community centres and facilities, child care, library and information services and sport, recreational and cultural facilities are well utilised and are operating at or near capacity. Most community services and facilities within the Manly LGA have minimal capacity to meet the increased demand from an additional residents, workers and tourists over the life of the plan.

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There is a shortage of community floor space to meet the demand for indoor recreation facilities. Additionally, many of the existing community centres are in need of refurbishment and facilities upgrades. Council has identified a need for a multi-purpose indoor recreation facility and a youth centre in Manly.

The existing resident and workforce population are placing a level of demand for affordable child care above the number of places provided in existing community based centres. Most child care centres are operating at capacity and many have long waiting lists. Contributions are required to provide additional affordable child care places within the area.

Schedule of Works – Community Facilities		
<i>Category</i>	<i>Description</i>	<i>Cost</i>
Child Care/ Children Centre	Balgowlah	\$1,500,000
Homework learning centre	Manly/Balgowlah	\$900,000
Amenities Replacement Program	Municipal Wide	\$900,000
Community Centre Embellishment	Seaforth	\$350,000
Kangaroo St Community Centre Embellishment	Manly	\$500,000
Senior Citizens Centre	Balgowlah	\$1,000,000
Town Hall Refurbishment	Manly	\$3,000,000

The demand for the above facilities arises from both the residential and commercial/retail development. As a consequence it is necessary to apportion the cost and contribution to both forms of development. The increase in workforce will create a demand for additional child care places after school care or a learning centre throughout the commercial centres and a higher level of service from refurbishment and embellishment of existing facilities. Of the total cost some \$780,000 is attributable to commercial/retail development with the balance to residential development.

Formula and Contribution Rates:

The following formula and contribution rates have been derived to determine contributions per person and, where applicable, per worker for the above community facilities.

Table 8 CONTRIBUTIONS - COMMUNITY FACILITIES	
<i>Formula</i>	<i>Contribution Rate</i>
COMMUNITY FACILITIES	
Residential development: Contribution per person (\$) = $\frac{RTC \times 1.03}{RP}$ Where: RTC = % total cost (\$740,000) RP = increase in resident population AC= Administration Cost Manly Commercial/Retail Development: Contribution 100m2 GFA (\$) = $\frac{CTC \times FS}{RC} \times AC$ Where: CTC = total cost (\$760,000) RC = increase in commercial population FS = Conversion to 100m2 GFA factor AC = Administration cost Other Commercial/Retail Development: Contribution 100m2 GFA (\$) = $\frac{OCTC \times FS}{RC} \times AC$ Where: OCTC = total cost (\$760,000) FS = Conversion to 100m2 GFA factor RC = increase in commercial/retail population AC = Administration cost	Residential development: Contribution per person $\frac{7,370,000}{8,275} \times 1.03$ = \$917.35 Manly Commercial/Retail Development: Contribution per 100m2 GFA $\frac{690,000}{1,400} \times 3.1 \times 1.03$ = 1,573.70 Other Commercial/Retail Development: Contribution per 100m2 GFA $\frac{90,000}{1,250} \times 3.1 \times 1.03$ = \$229.90

9 OPEN SPACE

Introduction:

The standards approach to open space provision was widely used by planning authorities throughout the 1950's and 1960's. Based on the standard of 2.83 Ha. per thousand people, open space areas were designated, ignoring the socio-economic, cultural and developmental attributes of the population being catered for. The emphasis was on quantitative measures of provision, rather than on the provision of a diverse range of high-quality recreation opportunities. Mercer et.al. (1990) pointed out that despite the official nature of the standards and their professional endorsement; they have never been qualified, tested or evaluated in human terms. Considerable uncertainty exists as to whether the standards developed reflect minimum, maximum, desirable or optimum levels of provision. In general, the standards approach fails to assess the needs of the community being planned for, and because it is concerned with the area of land, rather than the opportunity for provision of recreational resources, it often fails to meet the needs of the community. Further, a standards based approach does not cover indoor recreation provision.

In recent years, there has been a move away from the traditional standards-based approach, towards a "Needs Based Approach". This move, led by DUAP, has been largely ignored by the planning and legal professions, who have shown a reluctance to question the standard. DUAP's "Outdoor Recreation and Open Space Planning Guidelines" (1992) points out that there are two overriding principles that emerge from an analysis of NSW Land and Environment Court cases. They are:-

- Generally, in infill or developed areas, the Court's decision has been to recommend a similar quantity of open space as is found in the local area. Thus, if a local area has an average of 1.0 Ha. per thousand people, generally, the Court has upheld a decision that has recommended a similar amount for new development. These decisions have been made on the basis of Comparative analysis, rather than simply adopting 2.83 Ha. per thousand.
- Examples of Court decisions relating to developing areas, show a close reliance on the upholding of the 2.83 Ha. per thousand people standard as being generally acceptable in the State.

Finally, a standards-based approach ignores the issue of demand for recreational space. Satisfaction of recreational needs require more than the attainment of abstract space standards. In particular, consideration must be given to location and accessibility for effective use of urban open space and recreation resources/facilities provided. (Pigram, 1983).

9.1 Basis of Nexus:

Manly currently has around 77 public open space areas covering approximately 94.3 hectares. This equates to a level of provision of 26.01 square metres per resident in Manly LGA. The open space areas include regional open space, district and local open space and open space located in commercial areas. Recreational open space facilities provided by Council include playing fields, playgrounds, and parks, coastal and urban bushland.

Incoming populations will add to the demand for these facilities. Many of the existing facilities are close to usage capacity and new facilities will be required to meet future demand, particularly sporting facilities.

Section 94 contributions will be used to proportionally fund a planned multi-use indoor sports centre and improvements to the Andrew Boy Charlton Swimming Complex as well as other needed facilities and upgrades to sports fields.

The increase in residential population and an ever increasing number of tourists will place increased demand on the existing public spaces and on improvements provided within these spaces. To maintain the existing standard, additional improvements and acquisition of open space the following works will be required.

The Schedule of Works for open space/recreational facilities, to a large extent, comprises a programme of embellishing existing parks rather than focusing on the quantity of open space/recreation facilities. The programme of land acquisition focuses on land for the reasons that the ongoing accumulation of funds from Section 94 has been low, owing to the low level of development. However, funds held for acquisition of open areas must, be spent within a "reasonable" period of time. If sufficient funds are not available to acquire land or funds held have not been spent because properties identified for acquisition have not been sold, Council may be required to return funds to developers as contributions have not been spent with a "reasonable" time. Never the less it is Council's intention to pursue the acquisition of land as required in the Manly Local Environmental Plan.

9.2 Embellishment Of Open Space - Schedule of Works

Schedule of Works		
<i>Category</i>	<i>Description</i>	<i>Cost</i>
Embellishment & Plan of Mgt	Keirie Park & LM Graham Reserve	1,600,000
	Tania Park	350,000
	Seaforth Oval	1,500,000
	Bantry Bay Reserve	350,000
	Scenic Walk	1,200,000
	Ocean Beach Queenscliff	1,500,000

Schedule of Works		
<i>Category</i>	<i>Description</i>	<i>Cost</i>
Embellishment & Plan of Mgt	Lagoon Park	500,000
	Clontarf Reserve	500,000
	Sandy Bay Reserve	90,000
	North Harbour	350,000
	Shelly Beach	350,000
Baths & Pools Embellishment	Fairlight	250,000
	Fairy Bower	250,000
Surf Pavilions	Ocean Beaches	6,000,000
Netted Pools and Baths	Other beaches	2,000,000
Harbour & Foreshore Access	Fairlight: Manly: Fairy Bower	600,000
Conservation Plan	Acquatic Reserves	75,000
Aboriginal Heritage – Conservation & Management	Whole municipality	850,000
Playgrounds	Whole municipality	900,000
Indoor Aquatic Leisure Centre	Balgowlah/ Manly Swim Centre	15,000,000
Cycle Facilities	Regional Cycle Pathways	500,000
Open Space Acquisition	Little Manly	12,000,000

Formula and Contribution Rates:

The following formula and contribution rates have been derived to determine contributions for embellishment and acquisition of public open space.

Embellishment of Open Space	
<i>Formula</i>	<i>Contribution Rate</i>
<p>OPEN SPACE EMBELLISHMENT</p> <p><i>Residential Development:</i> Contribution per person (\$) = RTC/RP x AC</p> <p><i>Tourist Development:</i> Contribution per tourist bed(\$) = TTC/TP x AC</p> <p><i>Where:</i> RCP= % total cost attributable to residential RP = increase in resident population TTC = % total cost attributable to tourist accommodation TP = increase in resident tourist population AC= Admin Cost</p>	<p>Residential Development: Contribution per resident = $\frac{32,135,000 \times 1.03}{8,275}$ = \$3,999.88</p> <p>Tourist Development: Contribution per bed = $\frac{2,580,000 \times 1.03}{2,400}$ = \$1,107.25</p>

9.3 Acquisition of Open Space Land:

As Manly is an established urban area, there are limited residential development opportunities allowing the dedication of land for open space purposes.

Should redevelopment of land occur which provides the option of land dedication in lieu of a Section 94 Contribution, the following factors should be considered:-

- Is the type and amount of open space to be dedicated, able to be developed to satisfy the needs of the community?
- Is the land for dedication adjacent to existing open space, and can it complement surrounding open space?

If the funds that could be obtained in lieu of land dedication can be spent on providing a better quality of open space or foreshore land that will service the increased demand from a development, then these funds should be sought.

With respect to land dedication as a Section 94 Contribution for open space, Simpson (1989) states that:-

“In established urban residential areas the rate of land provision for open space should, in principle, generally accord with that for new areas as set out above. In general, the relative rate per person should be applied to the developments which create a potential for an increase in population.

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This policy would need to be constantly reviewed to ensure that the ratio does not fall below the present standard, because if nothing else changes, come urban consolidation or renewal, any failure to obtain additional land for open space, would result in a continuous lowering of the ratio and a reduction in contributions and consequent deterioration in amenity”.

Table 14 Contribution - Acquisition Open Space	
<i>Formula</i>	<i>Contribution Rates</i>
<p>ACQUISITION OF OPEN SPACE</p> <p><i>Residential Development:</i> Contribution per person (\$) = $\frac{RTC}{RP} \times AC$</p> <p><i>Tourist Development:</i> Contribution per tourist bed (\$) = $\frac{TTC}{TP} \times AC$</p> <p><i>Where:</i> RTC = total cost to residential (\$8,000,000) RP = increase in resident population TTC = Total cost to tourists TP = increase in resident tourist population AC = administration cost</p>	<p>Residential Development: Contribution per resident = $\frac{10,800,000}{8,275} \times 1.03$ = \$1,344.28</p> <p>Tourist Development: Contribution per tourist = $\frac{1,200,000}{2,400} \times 1.03$ = \$515.00</p>

10 STREETSCAPE IMPROVEMENTS

10.1 Streetscape and Transport Costs

Basis of Nexus:

A wide range of streetscape and related transport or access improvements are anticipated to be required to accommodate the increased travel and access demand from future development in the Manly LGA and the increased numbers of visitors which are predicted. The Section 94 contributions for streetscape, transport and access improvements will be based on those improvements which will be required to meet the additional travel and access demand from future residential, commercial/retail and tourism development.

Contributions have been calculated separately for the Manly precinct and for other precincts in the Manly LGA. This is because a major proportion of future development is expected to occur in the Manly Town Centre and the subsequent increase in pedestrian usage given increasing number of tourists will be significantly greater in the Manly precinct than in the remainder of the Manly LGA.

Future Works Schedule:

The future streetscape and access works program is summarised in Table 15.

Table 15 Future Streetscapes, Landscape and Towncentre Works Program		
<i>Category</i>	<i>Description</i>	<i>Cost (\$)</i>
Shopping Centre Upgrades	Manly CBD	1,000,000
	Manly - Corso	7,000,000
	Balgowlah / Balgowlah Heights	1,500,000
	Seaforth	1,500,000
	Fairlight	600,000
Gateway Treatment	Condamine and BBCD	300,000
	Manly Road	500,000
Neighbourhood Centres	Queenscliffe -	150,000
	Seaforth North _	150,000
	Balgowlah - Woodland and Condamine -	350,000
	Balgowlah - Roseberry - Balgowlah Heights	500,000 150,000
Beautification Programmes	North Steyne -	3,000,000
	Sydney Rd – Manly Rd to Belgrave St	3,500,000

Table 15 Future Streetscapes, Landscape and Towncentre Works Program		
<i>Category</i>	<i>Description</i>	<i>Cost (\$)</i>
	Pittwater Rd	2,500,000
	South Styene	1,000,000
Footpaths	Seaforth & Seaforth North	750,000

Table 16 Formula and Contribution Rates - Streetscape/ Transport Works	
<i>Formula</i>	<i>Contribution Rate</i>
STREETSCAPE/TRANSPORT WORKS - Residential Development: Contribution per person = $RTC/RP \times AC$	Residential Development: Contribution per resident = $\frac{18,650,000}{8,275} \times 1.03$ = \$2321.39
Manly Commercial/Retail Development: Contribution per 100m2 GFA (\$) = $CTC/MCP \times FS \times AC$	Manly Commercial/Retail Development: Contribution 100m2 GFA = $\frac{4,000,000}{1,400} \times 3.1 \times 1.03$ = \$9,122.86
Other Commercial/Retail Development: Contribution per 100m2 GFA (\$) = $OCTC/OCP \times AC \times FS$	Other Commercial/Retail Development: Contribution per 100m2 GFA = $\frac{1,800,000}{1,250} \times 3.1 \times 1.03$ = \$4,597.92
Where: RTC = % total cost apportioned to Residential RP = increase in resident population CTC= %total cost to Manly Commercial MCP = increase in commercial population OCP= increase in other commercial/retail population OCTC=% total cost to other commercial/retail centres FS = Conversion to 100m2 GFA AC = Admin cost	

The calculation of the streetscape and transport works contribution rates has been based on future proportional contributions from commercial, residential or tourist development for works in the categories and areas shown in Table 16. The proportions used to attribute costs are based on future estimated levels of workforce, resident and tourist population growth in each area and are discounted for external usage.

11 TRAFFIC & ENVIRONMENTAL IMPROVEMENTS

11.1 Traffic, Safety and Drainage Works

Basis of Nexus:

The section 94 contributions for traffic, safety, drainage and environmental rehabilitation works have been calculated based the need for works of this nature including:

- Intersection works;
- Local Area Traffic Management (LATM) works;
- Pedestrian safety works; and
- Drainage works including GPTs
- Environmental Management Systems
- Rehabilitation of degraded sites.

The above works can be wholly attributed to the need to provide additional traffic capacity and safety measures, to make sites or the municipality generally capable of handling the effects of future development and, therefore, can be fully funded by section 94 contributions.

Table 17 Future Traffic and Parking Works Program		
<i>Category</i>	<i>Description</i>	<i>Cost (\$)</i>
Traffic Management & Calming	Little Manly	250,000
	Fairy Bower	100,000
	Corso	150,000
	Balgowlah Heights	350,000
	Balgowlah	400,000
	Ivanhoe park	450,000
	Seaforth	400,000
	Seaforth North	350,000
	Fairlight	350,000
	Clontarf/Nth Harbour	400,000
	Ocean Beach	150,000
	Manly CBD	600,000
Parking	Manly CBD	4,000,000*
	Balgowlah	320,000**
Security Improvements	Manly CBD	850,000

**Note: Contribution for provision of parking is explained in Chapter 5. Contribution is for a minimum of 50% of the required number of spaces at a*

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current rate of \$27,578.00 within the Manly CBD for all forms of development. See also the Development Control Plan for the Business Zones.

Table 18 Contributions	
<i>Formula</i>	<i>Contribution Rate</i>
<p>TRAFFIC & PARKING WORKS - Residential Development: Contribution per person = $\frac{RTC}{RP} \times AC$</p> <p><i>Manly Commercial/Retail Development:</i> Contribution per 100m2 GFA (\$) = $CTC/MCP \times FS \times AC$</p> <p><i>Other Commercial/Retail Development:</i> Contribution per 100m2 GFA (\$) = $OCTC/OCP \times FS \times AC$</p> <p><i>Where:</i> RTC = % total cost apportioned to Residential RP = increase in resident population CTC= %total cost to Manly Commercial/Retail MCP = increase in commercial/retail population OCP= increase in other commercial/retail population OCTC=% total cost to other commercial/retail centres FS = Conversion to 100m2 GFA AC = Admin cost</p> <p><u><i>Parking Balgowlah & Manly CBD</i></u> Contribution = TC/AS</p> <p><i>Where</i> TC = Total Cost AS = Number spaces Provided</p>	<p>Residential Development: Contribution per resident = $\frac{4,170,000}{8,275} \times 1.03$ = \$519.05</p> <p>Manly Commercial/Retail Development: Contribution 100m2 GFA = $\frac{615,000}{1,400} \times 3.1 \times 1.03$ = \$1,402.64</p> <p>Other Commercial/Retail Development: Contribution per 100m2 GFA = $\frac{15,000}{1,250} \times 3.1 \times 1.03$ = \$38.32</p> <p>Parking Balgowlah Contribution = $\frac{320,000}{23}$ = \$13,913.04</p> <p>Parking Manly CBD Contribution = $\frac{19,580.864}{710}$ = \$27,578.00</p>

The contribution rates have been calculated separately for the Manly precinct and the remainder of the LGA due to the anticipated concentration of future growth in the Manly Town Centre. This growth is likely to generate significantly greater traffic flows in the Manly Town Centre than in the remainder of the Manly LGA.

The formulae and contribution rates have been derived to determine contributions per resident for residential, and per 100m² of gross floor area for commercial developments.

The purpose of preparing a Section 94 Contributions Plan for carparking is to clearly indicate to prospective developers, who wish to operate within defined areas of Manly LGA, the methodology and procedure relevant to the development and application of Section 94 relating to Council's policy and requirements for the provision of off-street carparking.

11.2 Stormwater & Drainage Contributions

As Manly is an older established suburb limited, limited vacant lands are available for development. Developments are likely to be infill development, with few opportunities for major development and an anticipated low population growth. It is unlikely that new development will place such demands on the existing drainage system to warrant a significant upgrade. As a result, the contribution collected would be unlikely to cover the cost of any major drainage work to mitigate any possible drainage problem induced by new developments within a reasonable timeframe. In addition, the development of the relatively small area may require a significant drainage system upgrade downstream of the development. It will be a financial burden for the Council to prepay the required drainage works.

Section 94(5) (b) of the EP&A Act, states that "The consent authority may accept the provision of a material public benefit (other than the dedication of land or payment of a monetary contribution)". This section, together with Section 90, allows Council to require the provision of on-site detention storage. Therefore, the Section 94 Contribution Plan for Drainage should focus on the implementation of an on-site detention policy, to ensure that new developments do not exacerbate flooding within the related catchment.

The existing drainage system does not have the extra capacity necessary to accommodate any increase in discharge, due to new developments. In order to ensure that new development does not result in flooding of existing developed areas, the drainage systems downstream of a development must be upgraded simultaneously with the new development or on-site detention (OSD) storage has to be provide to reduce the peak discharge to less than, or equal to, the existing level.

The Council has already adopted an OSD Policy for industrial, commercial and medium density developments.

Developments where stormwater drains directly into the creeks and waterways may not require on-site detention, but measures must be taken to avoid soil erosion problems at the outfall.

However, if the Council can demonstrate that a development exacerbates flooding somewhere in the catchment, even though the peak discharge is less than the peak discharge, of the sites in its undeveloped state, the Council may be able to demand the developer to further increase the storage to a level that no flooding is exacerbated within the catchment.

It should also note that the rainfall duration of the design hydrograph would be approximately equivalent to the time of concentration of the catchment. While this is correct for the undeveloped conditions and the developed without on-site detention conditions, the critical storm duration for developed on-site detention conditions can be significantly longer. For each development site, the Council should recommend two relevant critical storm durations for the undeveloped conditions and the developed with detention conditions. Alternatively, the Council may require a developer to demonstrate that the storm durations adopted to generate the design hydrograph are the critical storm durations.

11.3 Environmental Programs

The following works are need as a result of demands placed on current environmental conditions and the need to maintain Manly as an attractive location to live, work and recreate. The ever increasing numbers of tourists which visit the municipality on a daily basis and the number which stay in short term accommodation result in an increasing demand on the current facilities and services which, unless the measures below are taken, will deteriorate to unacceptable levels.

Table 19 Schedule of Works - Environmental Programs		
<i>Category</i>	<i>Description</i>	<i>Cost</i>
Grey Water Reticulation	Ivanhoe Park	350,000
Site Rehabilitation	Industrial Area	1,800,000
Gross Pollutant Traps	At point source	2,500,000
Environmental Management	Manly Lagoon	5,000,000
Wetland and Bio- reactors	Various location	750,000
Permanent Learning Centre	Manly Environmental Centre	2,000,000
Coastal Hazard Management (seawalls etc)	Coastal Zones	25,000,000

Table 20	
Formula and Contribution Rates - Environmental Programs	
<i>Formula</i>	<i>Contribution Rate</i>
Environmental Residential Development: Contribution per person (\$) = RTC/ RP x AC Manly Commercial/Retail Development: Contribution per 100m2 GFA (\$) = CTC/CP x FS x AC Other Commercial/Retail Development: Contribution per 100m2 GFA (\$) = OCTC/OCP x FS x AC Tourist Development: Contribution per tourist bed (\$) = $\frac{TTC \times AF}{TP}$ Where: RTC = % total cost apportioned to increase in population RP = increase in resident population CTC = % of total cost apportioned to Manly Commercial/Retail development CP = increase in commercial/retail population in Manly FS = conversion to 100m2 GFA OCTC = % total cost apportioned to Other Commercial/Retail Centres OCP = Increase in Commercial/Retail population in centres other than Manly AC = Admin costs TTC = Total cost to tourists TP = increase in tourist population	Residential Development: Contribution per resident = $\frac{27,850,000}{8,275} \times 1.03$ = \$3,466.53 Manly Commercial/Retail Development: Contrib. per 100m2 GFA = $\frac{3,775,000}{1,400} \times 3.1 \times 1.03$ = \$8,609.70 Other Commercial/Retail Development: Contrib. per 100m2 GFA = $\frac{2,500,000}{1,250} \times 3.1 \times 1.03$ = \$6,386.00 Tourist Development: Contribution per bed = $\frac{3,275,000}{2,400} \times 1.03$ = \$1,405.52

Formula and Contribution Rates:

The following formula and contribution rates have been derived to determine contributions for embellishment and acquisition of public open space.

12 COMBINED SECTION 94 CONTRIBUTIONS

NOTE: the following rates have been updated since the original drafting of this Section 94 Plan.

UPDATED TABLES 2010-2011 (CPI Index 31 March 2010)

12.1 Residential Developments

The combined Section 94 levies for residential development area as follows:-

Traffic & Parking	\$598.90
Streetscape	\$2,678.53
Environmental Programs	\$3,999.84
Community Facilities	\$1,058.48
Open Space Embellishment	\$4,615.36
Open Space Acquisition	\$1,551.09
<hr/>	
TOTAL:	\$14,502.20 per person

To calculate the contribution rate for a residential development, Council should:-

- Assess each Development Application for the likely number of residents per dwelling (using the occupancy rates outlined in Section 4.19).
- Multiply the likely number of residents per dwelling by combined Section 94 levies for residential developments (as outlined above).

Three examples of the process are detailed below:-

- **Example 1 – A three bedroom Dwelling House:**

3 bedroom detached dwelling =2.7 people
2.7 people x \$14,502.20 = \$39,155.94

- **Example 2 – A Residential Flat Development of 3 x 2 Bedroom and 4 x 3 Bedroom Dwellings:**

3 x 2 bedroom unit =5.7 people
4 x 3 bedroom unit =9.2 people
Total people =14.9 people
14.9 people x \$14,502.20 = \$216,082.78

- **Example 3 – Subdivision:**

The average number of persons in a dwelling House from the 2001 Census was 2.9 persons therefore the contribution for each additional new lot in a subdivision will be;

$$2.9 \times \$14,502.20 = \$42,056.38 \text{ per lot}$$

As there will be other forms of accommodation (e.g. serviced apartments), for which examples are not given, Council will calculate the appropriate rate upon request, using the same principles.

NOTES:

1. As and from 7 June 2010 a council must not impose a condition requiring a development contribution under section 94 of the EP&A Act that requires the payment of a monetary contribution of more than \$20,000 for each residential dwelling or for the purposes of residential subdivision, no more than \$20,000 for each lot, approved after this date.
2. This applies to both development applications and complying development applications
3. The “per person” rate above still applies to any consent for new residential lot or residential dwelling granted approval before 30 April 2009.

(Refer: Minister for Planning- Circular PS 10-014)

12.2 Retail/Commercial Development

The Section 94 Contributions for retail/commercial and developments are as follows:

Manly Commercial/Retail Precinct:

Traffic	\$1,618.43
Streetscape & Landscaping	\$10,526.38
Environmental	\$9,934.27
Community Facilities	\$1,815.81
TOTAL	=\$23,894.89 per 100m2 GFA

In other Commercial/Retail Precincts:

Traffic	\$44.22
Streetscape & Landscaping	\$5,305.29
Environmental	\$7,368.46
Community Facilities	\$265.27
TOTAL	=\$12,983.24 per 100m2 GFA

Parking:

Balgowlah	\$16,110.00 per parking space
Manly CBD	\$31,869.23 per parking space

Tourist Developments:

Environmental Programmes	\$1,621.75
Open Space Embellishment	\$1,277.60
Open Space Acquisition	\$594.23
TOTAL	=\$ 3,493.58 per bed

The following forms of development are included in the term "commercial/retail development": hospitals, recreation facilities, service stations or any other use which is basically of a commercial nature. In some cases, the area which constitutes the square metres part of the calculation will have to be determined on a merits basis, for example, a retail nursery may only have a small office, but a large outdoor retail area.

The following forms of development are included in the "Tourist Development" classification for the purpose of this Section 94 Plan: backpacker accommodation, hotels, motels, tourist facilities or any other like accommodation which caters for tourists.

The above amounts will be updated annually in line with the Sydney CPI. Additionally, the amount to be paid will be the figure as at the date of payment that is if a developer waits two years from the date of consent to make the payment, it will be the updated figure.

13 CONCLUSION

Manly Council's previous Section 94 Plan was adopted in 1983. Since that time, the population base, community expectations and future growth predictions have altered substantially, prompting this review.

The review, the "Manly Section 94 Contributions Plan (1999)", has examined existing services and facilities in the Manly Local Government area, deficiencies and perceived future needs. As is often the case, following a review, a series of formulae have been developed to estimate an appropriate contribution to levy development and the incoming population.

Due to the likely impact which the Goods and Services Tax will have on the Section 94 revenues, and Council's ability to provide the services and facilities proposed in this Plan, it is intended to increase the contribution rates to cover any shortfall when that Tax is applied.

No drainage contribution is levied for residential, as Council has an on-site detention policy.

Section 94(2C) allows the Council to accept a "material public benefit", or works in-kind, in part or full satisfaction of a Condition imposed under S.94(1) or (2A).

A material public benefit should:-

- Consist of physical components not being land, and
- be of benefit to the general community.

It may be in the form of "works in-kind", e.g. the provision of drainage which would otherwise have had to be levied for, and may otherwise be, delayed.

Council should negotiate such benefits with developers as more appropriate and immediate solutions may result than requiring a monetary contribution.

The timing of Section 94 Contributions is as follows:-

- Development Applications involving subdivision
 - At release of Subdivision Certificate
- Development Applications involving building work
 - At the time of issue of Construction Certificate
- Development Applications where no building approval is required
 - At time of Development Consent

In all of the above examples, deferred payments may be acceptable with the agreement of Council, subject to suitable financial undertakings such as a Bond.

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**APPENDIX 1
MANLY S.94 PLAN APPROACH
(PLANS WITH CONTINUOUS TIMEFRAME)**

				TOTAL POP.	TOTAL COST:	COST/POP. = LEVY:
PLAN 1	Roads Drainage Open Space Library Population 30,000 Cost \$600 M			= 30,000	\$600	\$20,000
PLAN 2	Ditto	+ 3 x Child Care Centres Open Space Improvements Traffic Calming Population 3,000 Cost \$12 M		= 33,000	\$612	\$18,545
PLAN 3	Ditto	+ Ditto	+ Sports Stadium People Mover Population 6,000 Cost \$50M	= 39,000	\$662	\$16,974

Note: These plans for the provision of and contribution towards services and facilities for the total population and disregard when plans start to stop.

14. DOCUMENT HISTORY

Date of Council Resolution	Details	Report / Source /Minute	Author
11 April 2005	Adopted	PLANNING AND STRATEGY COMMITTEE 11 APRIL 2005 Planning and Strategy Committee Minutes Page 4 General Manager's Office Report No. 8 Draft Section 94 Contributions Plan	Eric Armstrong
31 March 2010	Rates Indexed CPI 31/03/2010		
1 October 2010	Add Consequential Amendment to the s94 Plan – Complying Development Applications	IBM OM 1/10/2010 180/10	Eric Armstrong