

**Nambucca Shire Council**

**Section 94 Developer Contribution Plan: 02/2007**  
**Surf Life Saving Facilities and Infrastructure**

**November 2007**

<b>Version</b>	<b>Adopted</b>	<b>Commenced</b>	<b>Notes</b>
V2 – 4	Various	Various	V2-4 were updates to work schedule
V5	28 May 2015	4 June 2015	V5 updates work schedule.

### Certification

This Contribution Plan, Surf Life Saving Facilities and Infrastructure, is authorised under s.94 of the Environmental Planning and Assessment Act and was adopted by the Nambucca Shire Council on 28 May 2015 and commenced on 4 June 2015.

General Manager  
Nambucca Shire Council

# Table of Contents

Executive Summary	3
Introduction	4

## **PART A**

A.1	Name of this Contribution Plan	5.
A.2	Purpose of this Contribution Plan	5.
A.3	Land to which this Contribution Plan Applies	5.
A.4	Development to Which this Contribution Plan Applies	6.
A.5	Relationship to Other Plans	6.
A.6	Performance Review of this Contribution Plan	6.
A.7	Date of Commencement	6.
A.8	Life Cycle of Plan	6.

## **PART B**

B.1	Operation of the Contribution Plan	7.
B.2	The Contribution Formulae	7.
B.3	When Contributions are Payable	9.
B.4	Exemptions and Deferrals	9.
B.5	Infrastructure and Facility Provision Schedule	9.

## **PART C**

C.1	Nexus	10.
C.2	Causal Nexus	10.

## **PART D**

D.1	Base Contribution Rates	12.
D.2	Works Schedule	13.
D.3	Contribution Catchment Plan	14.

## **EXECUTIVE SUMMARY**

---

This Contribution Plan has been prepared with the express purpose of authorising Council to impose a contribution on specified development under s.94 of the Environmental Planning and Assessment Act 1979 for the provision of additional surf life saving infrastructure as a result of increased incoming population demands.

Over the 5 year period 2007 – 2012 the population of the Shire is expected to increase at 2% annually, due to an incoming population, and which is expected to be focused on established coastal and near coastal communities.

As a consequence of this anticipated development, additional surf life saving infrastructure and services will be required at the Shires beaches to manage increased patronage.

## **INTRODUCTION**

---

### **S94 Developer Contributions Plan: Surf Life Saving**

Section 94 of the Environmental Planning and Assessment Act 1979 permits local Councils to authorise the imposition of a developer contribution towards public facilities and/or infrastructure where it can be demonstrated that the subject of the development application will create additional demand on existing facilities and / or infrastructure through increases in population whether these increases be of a temporary or permanent nature.

Contributions may be imposed on any development type that clearly places a burden on existing facilities and infrastructure through increased demand. Residential, and tourist development types which intensify the use of a site, either through new development on greenfield sites, or new infill development within established urban areas may be subject to a contribution towards the provision of new and / or upgraded infrastructure and facilities to meet additional population demand.

A development contribution under s.94 can only be imposed where a s.94 developer contribution plan is in place as an adopted Council instrument, and complies with the legislative conditions of s.94. The contribution plan must meet specific minimum criteria and prove a nexus between the development and the facility or infrastructure. The contribution plan must demonstrate the principles of reasonableness and fairness in the apportionment of costs associated with providing new facilities, guaranteeing that the fair share of cost is distributed according to demand.

## **PART A**

---

### **A.1 Name of this Contribution Plan**

This Contribution Plan is known as:

**Nambucca Shire Council  
Section 94 Developer Contribution Plan: Surf Life Saving Facilities and Infrastructure**

### **A.2 Purpose of this Contribution Plan**

This Contribution Plan is prepared in accordance with s.94 of the *Environmental Planning and Assessment Act (1979)*(the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Reg).

s.94 of the Act permits Council to place a condition on development consent that will require persons, corporations or any other organisation or body undertaking a specific development to make a monetary or in kind contribution towards the provision of public infrastructure and facilities that are identified to meet the needs of the community as a result of increased demand due to that development.

This Contribution Plan has the following aims and objectives:

- To make the case and prove the nexus between expected demand for surf life saving facilities and infrastructure, and increases in population due to new residential and tourist development.
- To determine an equitable and fair contribution rate for the provision of Surf Life Saving facilities and infrastructure within the Shire
- To guarantee the existing community is not financially burdened by the need to provide additional surf life saving infrastructure and facilities as a response to increased population demand due to new residential or tourist development
- To formulate a comprehensive and definitive strategy for the assessment, collection, accounting, expenditure, reporting and review of developer contributions imposed for surf life saving facilities and infrastructure.
- To develop a schedule of provision, identifying facility and infrastructure type and threshold / benchmark for delivery

### **A.3 Land to Which this Contribution Plan Applies**

This Contribution Plan applies to land indicated within the boundaries indicated at D.3: Contribution Catchment Plan.

#### **A.4 Development to which this Contribution Plan Applies**

This Plan applies to all development occurring within the area identified as the Contribution Catchment at A.3, and which requires a development application to be submitted to Council and which is subject to payment of a Developer Contribution.

For the purpose of this Plan, development subject to a Contribution is:

- All new residential development
- All new tourist development
- All existing residential housing and tourist accommodation where intensification of use will result in additional demand.

#### **A.5 Relationship to Other Plans**

This Contribution Plan replaces Nambucca Shire Council s.94 Contribution Plan Surf Life Saving Equipment Amendment 5 (1999)

This Contribution Plan supports and supplements Nambucca Shire Councils Local Environment Plan (LEP) 1995.

#### **A.6 Performance Monitoring and Periodic Review of this Plan**

This Contribution Plan is based on specific assumptions concerning predicted levels of development within the Contribution catchment over the defined life cycle of the Plan. The Life Cycle is deemed to be no greater than 5 years from the date of commencement.

The Performance of this Plan will be assessed on meeting the objectives outlined in A.2 within the time frame identified in the Schedule of Provision.

Performance on meeting these objectives is subject to the predicted development levels within the contribution catchment being achieved. Greater or lesser variance on the assumed level of development will result in provision benchmarks being subject to periodic review.

#### **A.7 Date of Commencement of this Plan**

This Contribution Plan was placed on Public Exhibition on [xxxx] and adopted by Nambucca Shire Council on [xxxx].

The Plan is effective from [xxxx], the date of Notification of Adoption was published in local newspapers.

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

#### **A.8 Life Cycle of this Contribution Plan**

This Plan has a Life Cycle of five (5) years from the date of commencement.

## PART B

---

### B.1 Operation of the Contribution Plan

In the determination of a Development Application, a condition may be imposed by Council requiring a monetary contribution according to the provisions of this Contributions Plan. The Plan applies to all development that will create an increased demand for Surf Life Saving facilities or infrastructure within the Shire.

### B.2 The Contribution Formulae

In order to calculate the Contribution Rate to meet the cost for additional surf life saving facilities and infrastructure due to increased population demand the following assumptions are made.

Over the five (5) year period 2007 – 2012 the population of the Shire is expected to increase at a rate of approximately 2% annually, growing from a population base of approximately 18 800 persons to 20 775 persons. The increase in population is not expected to be equally distributed across the Shire. The following Table indicates the expected population growth across Contribution Catchment 1 and 2.

**Table B.2.1 Population Growth Trends 2007 - 2012**

#### Nambucca Heads SLSC

Catchment	2007	2012	Variance
Nambucca Heads	12 032	13 283	+ 1 251

#### Scotts Head – Macksville SLSC

Catchment	2007	2012	Variance
Macksville	3 629	3 991	+ 360
Scotts Head	1 632	1 795	+ 163

The Contribution Rate is formulated as:

$$\text{Rate} = \frac{\text{Total Cost of Provision}}{\text{New Population (per SDU}^1)} \times \text{Apportionment \%}$$

(1.) Standard Development Unit (SDU) equivalent one standard dwelling / 2.8 persons

#### Apportioned Costs

The apportioned cost is defined as that part of the cost to be borne by the incoming population, through s.94 contributions, for additional facilities or infrastructure required to meet increased demand on existing and established services. The apportioned cost takes into account the likelihood that any new facilities or infrastructure provided within an established population will be shared by the existing population, and as such, costs should be shared proportionally.



The overall assumed increase in population during the period 2007 – 2012 is expected to be 1 955 persons (700 lots adjusted where a standard occupancy of 2.8 persons / lot is assumed).

The apportionment factor is calculated as 0.34

### **Contribution Base Rates**

The Base Per Person Contribution Rate is calculated as:

$$\begin{aligned} \text{Base Contribution Rate} &= \frac{\$185\,400}{1\,955} \times 0.34 \\ &= \$32.24 \text{ per person} \end{aligned}$$

Based on the current occupancy rates per dwelling/lot the contribution rates for additional facilities and infrastructure are listed in Table B.2.2 below

**Table B.2.2**  
**Adjusted Base Contribution Rates**  
**Shirewide Contribution Catchment**

New Lot Subdivision <sup>2</sup>	2.8 persons	\$90.00
One (1) bedroom	1.6 persons	\$52.00
Two (2) bedroom	2.0 persons	\$65.00
Three (3) bedroom	2.8 persons	\$90.00
Tourist Accommodation	per bed	\$32.00

(2.) Applies to all urban, rural residential and small lot rural subdivisions

For the purposes of this Plan, a residential lot (2.8 persons) is any lot that is created which has an entitlement to erect a dwelling and includes rural subdivisions.

One Bedroom and Two Bedroom entitlements incorporate medium density developments where residential development has a density greater than 1 dwelling per 400m<sup>2</sup> and includes dual occupancy, residential flats, apartments, duplexes, cluster housing, integrated housing and mobile home parks.

Contribution Rates for new tourist and holiday accommodation is based on a per bed rate Based on the current occupancy rates per dwelling/lot the contribution rates

### **B.3 When Contributions are Payable**

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

### **B.4 Exemptions and Deferments**

There are no exemptions from this Contribution Plan.

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

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

### **B.5 Infrastructure and Facility Provision Schedule**

s.94 contributions collected under this plan are authorised only for the following facility, infrastructure or services provision:

- As described at Schedule D.2

## **PART C**

---

### **C.1 Nexus**

Surf Life Saving Clubs form an essential and valuable emergency service for the residents and visitors to the Nambucca Shire Coast. The beauty and accessibility of the Shire's beaches have made them a popular holiday destination for residents and non-residents of the Shire.

The natural beauty of the coastline, and the proximity to the townships of Nambucca Heads, Macksville and Scotts Head has contributed to the continuing growth in the permanent residential population.

The Shires two (2) Surf Life Saving Clubs, Nambucca Heads SLSC and Macksville – Scotts Head SLSC, are both volunteer clubs affiliated with Surf Life Saving NSW and are responsible for patrol and rescue services at Nambucca Heads and Scotts Head beach's.

Nambucca Shire Council has long regarded the Clubs as providing an important community service in safeguarding and protecting visitors and residents using the Shire's beaches.

The predicted growth trends for the Shire indicate a substantial increase in the permanent residential population in the key catchments of Nambucca Heads, Macksville and Scotts Head which will directly contribute to an increased demand on surf life saving facilities, infrastructure and human resources. Continued growth in the tourist sector with increased overnight and long stay accommodation availability will place further demand on services during peak holiday seasons.

The nexus between the provision of surf life saving facilities and infrastructure as a peak community need, and the continued increasing demand for those facilities and infrastructure to be made available to service the needs of the existing and incoming populations can be clearly demonstrated.

### **C.2 Causal Nexus**

Causal nexus requires the demonstration that the need for a facility, infrastructure item or service being subject of the Contribution, is a direct result of the subject development.

The core catchments likely to contribute the greatest future demand for services are those within the immediate coastal development zone, with lesser demand from hinterland and upper valley communities due in most part to travel distance. While the area and geographic nature of the Shire is such that all members of the community have the opportunity to share in the services and facilities of the Shires SLSC at some time.

It has been detailed in Part B.2 of this Plan that the coastal communities, of Nambucca Heads, Macksville and Scotts Head are

expected to achieve a nett growth of 1 966 persons in the permanent residential population over the life cycle of this plan, 2007-2012.

As at the commencement date of this Contributions Plan [xxxx] the existing surf life saving facilities and infrastructure in Nambucca Shire, directly servicing a permanent population of 18 800 people, are the Nambucca Heads SLSC: and Macksville – Scotts Head SLSC.

### **Surf Life Saving Clubs – Facilities and Infrastructure**

Both Surf Life Saving Clubs operating in the Nambucca Shire are volunteer organisations affiliated with the NSW Surf Life Saving Association. The ongoing sustainability of the clubs and their ability to provide rescue and emergency facilities and services into the future is to a large part reliant on funding from State and Local Government, community service organisations and the Surf Life Saving Association.

Costs associated with the provision of these facilities continue to rise, and unlike most community services where the provision of infrastructure and facilities is more permanent and definable, the provision of emergency services are by there very nature difficult to measure and quantify in similar terms.

Over the next five (5) years it is anticipated that the annual combined costs of each club may be in the order of \$37 000 /yr. Under this Contribution Plan 34% of the cost associated with provision of equipment infrastructure will be met by section 94 contributions.

## **PART D**

---

### **D.1 Base Contribution Rates**

#### **Adjusted Base Contribution Rates Shirewide**

Per person \$32.24

#### **Adjusted**

New Lot Subdivision <sup>2</sup>	2.8 persons	\$90.00
One (1) bedroom	1.6 persons	\$52.00
Two (2) bedroom	2.0 persons	\$65.00
Three (3) bedroom	2.8 persons	\$90.00
Tourist Accommodation	per bed	\$32.00

## **PART D**

### **D.2 Infrastructure Cost and Delivery Schedule 2015-2020**

<b>Year</b>	<b>Item</b>	<b>Location</b>	<b>Description</b>	<b>Item Cost</b>
2015/2016	1.	MSHSLSC	1 x IRB Motor	\$3200
	2.	NHSLSC	Provision of heavy duty safe storage fuel cabinet	\$2000
	3.	NHSLSC	2 x Hytera Radio – hand held	\$1390
	4.	NHSLSC	1 x IRB Motor (partial payment)	\$4700
2016/2017	5.	MSHSLSC	1 x All Terrain Vehicle (partial payment to replace existing)	\$8000
	6.	NHSLSC	2 x Rescue Board - Soft	\$3000
	7.	NHSLSC	3 x Rescue Tubes	\$300
2017/2018	8.	MSHSLSC	1 x IRB Motor	\$3200
	9.	MSHSLSC	1 x IRB Trailer	\$5000
	10.	NHSLSC	1 x 4WD vehicle (beach and road use, secondhand)	\$9700
2018/2019	11.	MSHSLSC	1 x First Aid Kit	\$2000
	12.	MSHSLSC	2 x Rescue Board - Soft	\$3000
	13.	NHSLSC	2 x Rescue Board - Soft	\$3000
	14.	NHSLSC	6 x Portable First Aid Kit	\$600
2019/2020	15.	MSHSLSC	2 x Rescue Board - Hard	\$4000
	16.	MSHSLSC	2 x Rescue Board - Soft	\$3000
	17.	MSHSLSC	1 x ATV – Partial Payment	\$8000
		NHSLSC	1 x IRB - Partial Payment	\$12000

### D.3 Contribution Catchment - Shirewide

