

# Sutherland Shire Council

## Contributions Plan

### Community Facilities in the Sutherland Shire

Adopted by Council 13 October 2003  
December 2010

CONTRIBUTIONS PLAN FOR COMMUNITY FACILITIES  
FOR THE SUTHERLAND SHIRE

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## **1. EXECUTIVE SUMMARY**

### **1.1 NAME OF THIS PLAN**

This Plan is called: “*Sutherland Shire Contributions Plan – Community Facilities in the Sutherland Shire*”.

### **1.2 PURPOSE OF THIS PLAN**

The purpose of this Plan is to maintain the existing standard of provision of community facilities in the Sutherland Shire in response to new development by:

- (i) Enabling Council to levy a contribution or dedication towards the provision of multipurpose community facilities, augmentation of the Menai library site and the provision of library resources across the Sutherland Shire, as a condition of development consent on all residential developments;
- (ii) Ensuring that adequate facilities are provided for and as part of any new development;
- (iii) Providing details of the contribution strategy, works to be implemented, nexus, anticipated costs, contribution rates, program of expenditure and administration of the Plan which will be applied in relation to new development;
- (iv) Ensuring that all assessment and administration of this Plan meets the requirements of Public and Financial Accountability as stated in Section 94 of the EP &A Act; and
- (v) Ensuring that the costs are apportioned to new residents.

### **1.3 LAND TO WHICH THIS PLAN APPLIES**

This Contributions Plan applies to the Local Government Area of Sutherland Shire. This plan consolidates the previous two Contributions Plans that covered the Sutherland Shire (Established Area 1996 and Menai District & Woronora Heights 1993). The map at Appendix A shows the area covered by this Plan.

### **1.4 PROGRAM OF WORKS**

Within the Sutherland Shire, two new facilities are to be provided (Engadine & Cronulla) that are designed to address the community’s requirements, including a multipurpose facility and improved accessibility (see Section 4 for details). The land for these facilities will be provided by Council as part of the apportionment calculation. Works are also to be undertaken to augment the library site at Menai. In addition, provision will be made for increasing the capacity of library resources across the Shire, including both print and non-print materials.

#### ***Table A Works Schedule***

<b>Facility/Area</b>	<b>Size</b>	<b>Land</b>	<b>Cost* (\$000)</b>	<b>Preliminary Work</b>	<b>Construction</b>
Cronulla	1100 sqm	To be provided by Council	2,612,500	Late 2004	2007
Engadine	1100 sqm	To be provided by Council	2,612,500	Late 2007	2011
Menai Library	103 sqm	Existing land	244,625	Late 2008	2011
Library	N/A	N/A	44,900		Ongoing
*Indexation will be applied see Section 4.5.6 Costs include planning, design and construction					

## **1.5 CONTRIBUTION RATES**

This Plan has determined a contribution rate to provide facilities at a standard equal to existing levels in the Shire with relation to the projected increase in the population. Land for these facilities will be provided by Council, and therefore is not included as part of the contribution by new development. The levy applied does not vary according to the geographic location and is, therefore, the same across the entire Shire. Contribution rates are based on the cost of planning, design and construction only for facilities and capital costs for library resources.

Council will continue its commitment to upgrading existing facilities in the Shire, ensuring responsiveness to the needs of residents through the ongoing Capital Works Program. This will ensure that the level of facilities available to existing residents will not be eroded.

**Table B Total Contribution Rate for Community Facilities**

<b>Type</b>	<b>Occupancy Rate</b>	<b>Total Community Facilities rate per dwelling</b>
Attached dwelling*	2.26	\$929.95
Torrens Title Subdivision	3.08	\$1267.37

\* An attached dwelling refers to a unit, townhouse, villa, dual occupancy or self care accommodation unit. Assumed potential occupancy rate is 2.26 persons.

## **1.6 HOW CAN I FIND OUT MORE ABOUT THIS PLAN?**

The following items are available for inspection at Council's information Counter in the main administration building at Eton St, Sutherland or by contacting the Social Planning Manager on 9710-0617:

- Section 94 – Community Facilities Contributions Plan;
- contributions register;
- each annual statement;
- Council's other Contributions Plans.

## **1.7 RELATIONSHIP OF THIS CONTRIBUTIONS PLAN TO OTHER POLICIES AND PLANS**

- 1.7.1 This Contributions Plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act and Part 4A of the Environmental Planning and Assessment Regulations and takes effect from the date on which public notice is given pursuant to clause 41 J(4) of the Regulations;
- 1.7.2 This Contributions Plan supplements the provisions of the Sutherland Shire Draft Local Environmental Plan (Section 70 of the Environmental Planning and Assessment Act) dated 29 January 2003, as amended;
- 1.7.3 This Contributions Plan supersedes all relevant policies and contributions charges previously adopted by Council in relation to developer contributions towards community facilities within the nominated area that were in existence prior to the adoption of this Plan (Sutherland Shire Council Contributions Plan – Community Facilities in the Established Area of the Shire Part A & Part B 1996, and Sutherland Shire Council Community Facilities Menai District and Woronora Heights Contributions Plan 1993); and
- 1.7.4 This Contributions Plan supersedes the requirements of all existing development control plans with regard to S94 Contributions towards community facilities in the nominated area of the Shire.

## **1.8 NEXUS, FORMULAE AND CONTRIBUTION RATES**

- 1.8.1 Under this Contributions Plan a formula and methodology is employed to derive the contribution rate or amount of dedication required of development. Details of the derivation/methodology are contained in Section 4.3.
- 1.8.2 Within this Contributions Plan, there is a descriptive and quantitative demonstration of the nexus between:
  - the anticipated development and resultant demand for community facilities from that development;
  - the contribution or dedication required from that development to meet that demand and the nature of works proposed which will be implemented from funds generated by that development.

## **1.9 WHAT IS SECTION 94?**

Under the *Environmental Planning and Assessment Act (EP & A Act) 1979*, Section 94 grants Local Councils the power to levy contributions from developers for public services and public amenities required as a consequence of development.

This Plan was adopted by Council on 13<sup>th</sup> October 2003 and came into force on 4<sup>th</sup> November 2003.

## 2.0 SUTHERLAND SHIRE PROFILE

### 2.1 HOW WILL SUTHERLAND SHIRE BE CHANGING?

Information regarding population trends and growth in dwelling stock has been analysed in accordance with the Sutherland Shire Draft Local Environmental Plan 2003 (Housing Strategy). The result is interim projections for the nett growth in dwelling stock (and population) in the Shire between 2001-2011, and actual growth rates for the period between 1996-2001. These projections will be updated according to the Plan Review Process (see Section 5.5).

It was found that between 1996-2001 the growth in net dwellings met the expectations outlined in the previous Housing Strategy.

**Table C Nett Gain in Dwelling Stock 1996-2001 and Predicted Increase 2001-2011**

<b>Sutherland Shire</b>	<b>Total (Net Dwellings)</b>
Total dwellings June 1996	72,365
Total dwellings June 2001	78,454
Estimated additional dwellings (net) 2001-2011	5,910
Total dwellings June 2011	84,364
<i>Source: Australian Bureau of Statistics Customised Dwelling Projections for Sutherland Shire Council, Housing Strategy in Draft Local Environment Plan</i>	

As with the draft *Open Space Contributions Plan 2000* and previous Contribution Plans, the contribution levy for Community Facilities will be applied per additional dwelling. Council will calculate and levy contributions by additional residential dwellings (ie recognition is given for existing lots or dwellings) with assumed potential occupancy rates. By levying per additional dwelling (with an assumed potential occupancy rate) Council is able to levy a contribution consistent with the potential need of residents for community facilities.

These dwelling types and occupancy rates are defined below and are consistent with the definitions detailed in the draft *Open Space Contributions Plan 2003* (p5).

#### 2.1.1 Interim Projected Nett Growth in Dwelling Stock 2001-2011

The draft Housing Strategy indicates that the projected nett growth in dwelling stock will be 5910 dwellings by 2011, with a corresponding increase in population of 13,403 persons.

## **2.2 OVERVIEW**

The Sutherland Shire as a whole is experiencing an increase in new development and this is expected to continue. Between 1996 and 2001, there was an increase of 6,089 dwellings across the Shire from 72,365 to 78,454 dwellings.

The housing mix within the Shire is undergoing change with increasing numbers of attached dwellings including units, villas and townhouses. In turn, this style of development brings in new residents with additional needs, such as the elderly population.

Existing community facilities within the established area of the Shire have largely met the needs of the population. The previous Community Facilities Plans for the Established Area (1996), and Menai District and Woronora Heights Contributions Plan (1993) have added to the facilities available in the area. The Plans have resulted in the design and/or construction of a number of facilities. For example, \$1,500,000 was collected for the Stapleton Avenue facility, which was opened in September 2000, and design is underway for the facility at Caringbah. In the Menai area, the Menai Community Centre is soon to be constructed, with the design being finalised.

However, due to both the growing and changing population in many areas, existing and even recently constructed facilities cannot be expected to meet the increased demand created by new development. There is a need therefore to expand the provision of community facilities to maintain existing standards, ensuring that both established and new residents can continue to enjoy an adequate provision of facilities and services consistent with their needs.

### **2.2.1 What is the composition of the existing and future dwelling stock?**

There is currently a variation in housing type and density across the Sutherland Shire. Suburbs in the west of the shire contain on average 76% of dwelling stock as detached dwellings compared with suburbs in the east of the Shire which contain on average 54% (ABS 2001 Census Data). Thus, the rate and style of development will vary across the whole of the Shire.

### **2.2.2 Who is currently living in the Shire?**

The population of Sutherland Shire increased by 10,627 persons in the intercensal period between 1996 and 2001 (from 203,753 to 214,380). This represents an increase in population of 4.95% over the five-year period. The Australian Bureau of Statistics projects that the population of the Shire as a whole will increase to 227,783 in the year 2011 (*Medium level projection, Population Projections Australian Bureau of Statistics 2003*).

As indicated in Table D, in the ten-year period between 1991-2001 there has been a general decline in the proportion of the population in the Sutherland LGA that is aged under 40. While the proportion of residents in the 40-60 category has increased, the proportion of residents in the 60-74 age group has declined slightly between 1991-2001. The proportion of those over the age of 75 has increased steadily from 3.8% to 5.6% of the population.

**Table D Proportion of Population by Age Groups –1991-2001 Sutherland Shire**

Age Group	1991 (%)	1996(%)	2001 (%)
0-4	7.5	6.9	6.4
5-9	7.3	7.3	6.9
10-14	7.3	7.1	7.1
15-19	8.2	7.1	7.1
20-29	14.8	14.6	14.0
30-39	15.8	15.5	14.8
40-49	14.9	15.4	15.3
50-59	9.6	10.7	12.4
60-74	10.9	10.9	10.4
75+	3.8	4.5	5.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: Sutherland Shire Social Plan 2000, and ABS 2001 Census Basic Community Profiles (A&B)*

The ABS population projections indicate that a significant growth in both percentage and number terms will occur in the over-55 age group, from a total of 40,658 persons in 1996 to 62,606 in 2011, which illustrates an increase of 20% of the total population to 27% (see Table E). By 2011 it is predicted that over 15,000 residents will be 75 years and over. This will impact on the need for community facilities and services.

**Table E Forecast Increases in Aged Population 2001-2011 Sutherland Shire**

Age Group	2001 (persons)	2011 (persons)	% increase
55-64	20,297	26,237	22.6
65-74	14,170	16,137	12.2
85-84	9,164	10,361	11.6
85+	2,635	4,363	39.6

*Source: ABS Customised Population Projections for Sutherland Council*

In order to meet the needs of residents of new development (for example, the aged), the new facilities will need to be accessible, multi-functional (ie contain small and large meeting rooms, larger rooms for activities, accessible kitchen and toilet facilities, and appropriate access for people with disabilities) and able to serve a number of concurrent uses. Existing facilities that are upgraded should also address these requirements.

Library resources will also need to meet the needs of residents of new development. Resources will need to cater for an increasing aged population, as well as maintaining the current level of service to the remainder of the community. In addition, libraries will have to cater for the growth in electronic and on-line services demanded by the community in addition to the provision of traditional resources.

The expected mixed demographic profile and its implications will be analysed further during the detailed planning stages of the facilities.

### 3.0 COMMUNITY FACILITY AND LIBRARY RESOURCE STRATEGY

#### 3.1 ESTABLISHING NEXUS

In order to address the issues raised in the previous section and to meet the requirements of the Section 94 legislation, it is the purpose of the *Contributions Plan* to take a strategic approach to the levying and apportionment of Section 94 contributions based on the following key criteria:

- Anticipated demand;
- Qualitative as well as quantitative research;
- Existing levels of provision;
- Accessibility; and
- Compatibility with Council's corporate and strategic aims.

#### 3.2 WHAT IS THE ANTICIPATED DEMAND?

As outlined in Table D, a nett increase of 5,910 dwellings with a corresponding increased population of 13,403 is projected for the Shire.

In turn, the residents of this new development will place demands on the community, which include the need for community facilities.

Council currently provides a standard of provision of community facilities to existing residents that can be measured in terms of the average amount of floorspace available per dwelling. Therefore, the increase of 5,910 dwellings creates a demand for an additional amount of floorspace of 2,303 square metres (see 4.3).

*Table F Projections of Required Floorspace*

<i>Current</i>			<i>Projected</i>	
<b>Total floorspace</b>	<b>Total dwellings</b>	<b>Average community floorspace per dwelling</b>	<b>Projected number of new dwellings</b>	<b>Amount of floorspace required</b>
30,575sqm <sup>1</sup>	78,454 <sup>2</sup>	0.39sqm	5910 <sup>3</sup>	2303sqm <sup>4</sup>

1. *Sutherland Shire Council Community Facilities Inventory*
2. *Housing Strategy (Draft Local Environment Plan)*
3. *Housing Strategy (Draft Local Environment Plan)*
4. *See Step 3, Section 3.3.1*

In terms of library facilities, Sutherland Shire Council library facilities currently provide:

- access to, and lending of, a wide range of up-to-date books (including large print and e-books), magazines, audio and video materials in English and other languages;
- access to the information mediation and expertise of library professionals;
- access to global print and electronic information resources;
- web access to its resources;
- fast access to the resources of other libraries locally, nationally and worldwide through interlibrary loan; and
- free internet and access training.

The expenditure on library material per capita in the Sutherland Shire is currently \$3.35 per capita, which provides 2 items per capita. In total, including operational costs, the total expenditure per capita is \$34.12. To maintain the same items per capita as the population increases means that 26,538 items (items per capita x projected number of residents) will need to be added to the library stock over the period to 2011.

A number of other factors must also be assessed when determining anticipated demand created by the residents of new development. This assessment must have both a quantitative and qualitative approach (examples of which appear in brackets below). These factors include:

- the current and future population and community profiles in order to establish a comprehensive demographic overview (*The Social Plan, draft Local Environment Plan*);
- public input into the assessment of need with respect to both existing and expected levels of provision (*The Social Plan, survey of community groups, service providers etc - Appendix C, community consultations*);
- the changing housing patterns across the Shire (*The Housing Strategy, ABS statistics*);
- Council policies and planning instruments (*The Strategic Plan, The Social Plan, draft Local Environment Plan*);
- the need for flexibility as trends may change in the future (research on the provision of social infrastructure, Council policy);
- existing government standards and policies on community facilities (Home and Community Care Planning Documents, Dept of Community Services documentation).

### **3.2.1 Results of the assessment of anticipated need**

#### *Multi-purpose Facilities*

Council states in its *Strategic Plan*:

*The Shire will have a diverse range of quality, accessible and flexible community services which meet the needs of the community through:*

- *services focused in major centres and on public transport corridors;*
- *multi-use of facilities;*
- *services for - childcare, youth, aged and disabled, family and neighbourhood support, multicultural, aboriginal, arts and culture, library and information services.*

*Sutherland Shire 2010 - Your Future (p25).*

These principles provide the framework for determining the need created by residents of new development in the Shire. The assessment process also raised a number of other issues. The need for more affordable premises that cater specifically for community groups was an overriding theme from groups within the community. Specifically, community groups outlined the need for facilities to be multi-purpose with increased capacity, the inclusion of office space, meeting space and kitchen facilities, and appropriate toilet facilities. The majority of groups within the community noted the accessibility of premises, particularly in relation to increased parking capacity, as important considerations. Improved security and access for people with disabilities were issues also identified by community groups.

Council's *Social Plan* has provided an in depth analysis of the needs of the community and the recommendations within the component *Target Plans* have been adopted by Council and are integrated into ongoing planning policies and strategies. These include upgrades of specific sites, the development of centres that can accommodate many different functions, the need to retain community facilities around the centres and the need to improve access to facilities.

*....Council encourage(s) the development of multi-use facilities that are responsible to and appropriate for the needs of the community.*

*Sutherland Shire Council Social Plan, 2000 (p2-64)*

Council's Social Plan also refers to the need to provide adequate respite care for the aged and community members with a disability.

*Given the ageing of the population and the increased number of people with a disability living in the community, housing that is suitable for people with a disability is critical.*

*Sutherland Shire Council Social Plan, 2000 (p6-19)*

An analysis of the Community Facilities Inventory indicates that most of the main facilities in the Shire were built for specific purposes. Research to date has indicated the need for larger multi-purpose community facilities able to serve the needs of all groups within the community and meet the changing needs of residents in years to come.

According to the criteria outlined in Section 4.2.4, these facilities must be located near public transport routes and retail centres, must be accessible, multi-functional, adaptable and comply with policies of various levels of government. Briggs, in her analysis of contributions for social infrastructure states:

*...facilities should be multipurpose wherever possible. Facilities will need to be flexible in design so that their function can change over time to meet the changing demographic profile of the community. (For example), this (may) apply to children's services ... (which could) be converted to youth, general community or*

*aged person's facilities at a later stage.*

*Wherever possible, joint use of sites and facilities between service providers should be encouraged... Local Government can play an important role in facilitating joint service solutions. The co-location of facilities, and in particular the siting of children's and youth activities in proximity to schools and neighbourhood shopping centres, as well as transport routes, will increase their accessibility to the community and encourage the dual provision and use of facilities.*

*The Application of Developer Contributions for Social Infrastructure Guidelines and Methodology, Sharyn Briggs, 1992 ('p39)*

### *Library Resources*

An increase in population will result in an increase in library membership and usage. The projected population growth will also mean that as library membership increases, so will the pressures on existing resources. To meet the needs of new members, as well as maintain the service currently provided to residents, contributions are required to increase the capacity of the library system across the Shire. The plan aims to utilise contributions for the costs of providing print and non-print resources, which are regarded as acquisition items.

In addition, as part of the strategies outlined in the Social Plan, Council indicated the need to increase the stock of large-print books for the elderly and incorporate changes in the library system to cater for the different groups within the community, such as different language groups.

#### **3.2.2 *How will this demand be met?***

In order to establish the needs of residents of new development, it is beneficial to gain an understanding of the needs of existing residents through an assessment process. These findings coupled with the projected numbers of dwellings and the demographic and other characteristics of the resultant population and other research, assist when planning future community facilities.

Based on this information, multi-function community facilities are planned as the most appropriate for the projected mixed profile of the population that will include an increased proportion of those aged 55 years or more. In addition, these types of facilities are flexible and, as the profile of the new residents is more clearly established during both the planning phases and in the first few years of operation, they can be adapted to meet the needs of this community. Therefore, the clear link between the residents of new development and the new facility will remain.

The provision of new books (such as large print books) that is better able to meet the needs of the changing community, as well as the provision of up-to-date software to maintain an appropriate level of service, means that libraries will be better able to meet the demands of the new residents and changing community profile.

#### **3.2.3 *Why maintain the existing standard of provision?***

Where the extent of a Section 94 contribution has been contested, the Land and Environment Court has historically 'tested' the contribution against the current level of provision enjoyed by the existing community (*Revay v Leichhardt Municipal Council*, unreported, 1982). It can be expected that, in the absence of any other substantiation for an increased level of provision for a future population, the court

will continue to find on this basis.

This *Contributions Plan* therefore applies existing levels of provision as the basis for future provision.

Sutherland Shire currently has a variety of community facilities ranging from senior citizens and youth centres to children's services, community halls and baby health centres. These facilities have been constructed over a number of years and reflected the needs of the community and relevant planning policies at the time. Existing residents currently have access to a level of provision that should not be eroded by demands from an increase in the population.

It is therefore Council's aim to maintain the current level of provision for all residents, be they new or existing. As such priority in this Plan will be on the provision of additional space to meet the needs of the new population. At the same time, Council will continue its commitment to upgrading existing facilities around the Shire through its ongoing Capital Works Program ensuring the continued responsiveness to the needs of residents.

### ***3.2.4 Where should the facilities be located?***

To maximise the potential of community facilities, the following issues must be considered when determining the location of the additional space:

- proximity to major transport routes and retail centres;
- the variety of activities, functions and services which can be accommodated;
- the potential for future adaptations according to the changing community;
- existing governmental and Council policies for the provision of community facilities and services;
- the demographic profile of localities which may indicate greater need;
- a reasonable geographic distribution which enables all Shire residents to utilise the additional space.

The previous Community Facilities Contribution Plan for the Established Area of the Shire resulted in the construction of the facility in Sutherland (Stapleton Ave) and plans for the facility at Caringbah. It is the purpose of this updated plan to address the community's needs in other areas.

Accessibility to community facilities is seen as a priority (see above and Appendix C). Two locations, Engadine and Cronulla, have therefore been selected to provide the additional floorspace required, in centres that are accessible by public, community and private transport. The capacity to cater for aged care will be investigated as part of the developments.

The facility planned for Engadine incorporates a multi purpose centre, which will replace an existing Council facility in the area. A masterplan for the proposed facility currently exists for a Council-owned site. The facility will have the capacity to cater for different groups and will provide adequate space to accommodate a variety of functions needed to meet residents' needs.

The proposal for Cronulla involves consolidating a number of existing community facilities to provide a

multi-purpose facility that better caters for the needs of the community.

Current buildings in Cronulla are dated and inadequate for the community's changing needs.

Work is also to be undertaken to augment the Menai Library site. Given the development that has occurred in the area and the current set-up of the facility, the library will need to be augmented to continue to meet the needs of the changing community.

In addition, libraries across the Shire will need to be provided with appropriate resources to cater for the changing population. By providing contributions to the Shire library network, resources can be distributed as needed.

### **3.2.5 Compatibility with Council's Current Policies and Planning Documents**

This Plan is consistent with both the short and long term planning strategies of the Shire. This includes *Sutherland Shire - 2010 Your Future*, the *Draft Housing Strategy*, the *Social Plan*, the *Draft Local Environment Plan* and the draft *Open Space Contributions Plan*.

## **3.3 DERIVATION OF CONTRIBUTION RATES**

### **3.3.1 Process**

The following methodology was employed to establish the proposed level of provision of community facilities and the resultant contribution rate:

- Step 1: Calculate total existing provision of floorspace in community facilities (that could be provided in a multi-function facility).  
*Source: Community Facility Inventory*
- Step 2: Identify the number of existing dwellings in the established area.  
*Source: Sutherland Shire Council Draft LEP: Draft Housing Strategy 2001-2011*
- Step 3:
  - a) Determine the amount of community facility floorspace per existing dwelling in the established area.  
*Method: Amount floorspace/number of dwellings (Table F)*
  - b) Identify the number of library items provided per capita  
*Method: Public Library Statistics 2000/01*
- Step 4: Forecast increase in number of dwellings (interim projections).  
*Method: Sutherland Shire Draft Local Environment Plan 2003: Draft Housing Strategy 2001-2011*
- Step 5: Determine occupancy ratios of dwellings.  
*Method: Sutherland Shire Draft Local Environment Plan 2003: Draft Housing Strategy 2001-2011 – Schedule I Developer Contributions and Acquisitions*

- Step 6: Forecast projected increase in population.  
*Method: Sutherland Shire Draft Local Environment Plan 2003: Draft Housing Strategy 2001-2011 (ABS customised population projections for Sutherland Shire)*
- Step 7: a) Calculate additional floorspace required.  
*Method: Multiply the total number of projected dwellings by the average amount of community facility floorspace per existing dwelling (Step 3).*
- Step 8: a) Determine the facilities that are required and where they will be located.  
*Method: See Section 4.2*
- b) Determine the resources that are required.  
*Method: See Section 4.2*
- Step 9: a) Determine construction costs for the required provision of facilities.  
*Method: Analyse construction costs of recent community buildings*
- b) Determine provision costs for the library resources required  
*Method: Sutherland Shire Council Library*
- Step 10: a) Calculate Levy for Community Facility Provision per new dwelling via occupancy rates.  
*Method: see formula below*
- b) Calculate levy for Library Resource provision per new dwelling via occupancy rates

On the basis of existing dwelling stock in the established area of the Shire and projected nett growth in dwelling stock over the period of this plan, the following calculations apply.

### 3.3.2 Calculations

#### *Community Facilities*

##### *a) Dwellings and floorspace*

The community facilities inventory indicates a combined total of 30,575 sqm of floorspace in facilities in the Sutherland Shire (this includes seniors and youth centres, baby health clinics, multi-purpose venues and community aid and information centres - Step 1). The number of existing dwellings in the Shire as stated is 78,454 (Step 2). Therefore, the amount of community facility floorspace per existing dwelling is approximately 0.39 sqm, resulting in the need for 2,303 sqm (Step 3) of additional space (see Table C).

The proposed new facilities will have similar characteristics to other resources in the general category and as such only these have been included when assessing current floorspace provision. Council owns/manages many buildings which serve a variety of purposes.

However, it was determined that it was relevant to only include the category of facility listed in the Community Facilities Inventory due to their broad availability, the accessibility and community based management.

*b) Cost of Facility*

Based on construction of community facilities that has occurred in the Sutherland Shire in recent years, an indicative cost for the construction of facilities within the subject timeframe of this plan is considered to be \$1,900 sqm based on the possible features of the proposed facility. In addition, a component of 15 per cent will be added to account for oncosts which includes community consultation, architectural, structural, civilian, electrical, mechanical and landscape design and 10 per cent for contingencies. This results in a total cost of \$2,375 per square metre, which includes planning, design and construction stages of the project (Step 9). The Contribution Rate per dwelling is calculated by:

$$\text{Rate per dwelling} = \frac{(\text{EF/ED} \times \text{DW}) \times \text{C} \times \text{OR}}{\text{PP}}$$

where:

EF - Existing floorspace **30,575** sqm  
See Step 1

ED - Existing number of dwellings = **78,454**  
See Step 2

DW - Forecast number of dwellings = **5,910**  
See Step 4

PP - Projected increase in population = **13,403**  
See Step 6

C - Cost of construction per metre = **\$2,375**  
See Step 7

OR - Assumed potential occupancy ratio per dwelling

therefore the calculation for the levy is:

$$\frac{(\text{EF/ED} \times \text{DW}) \times \text{C} \times \text{OR}}{\text{PP}}$$

$$\frac{(30,575/78,454 \times 5,910) \times 2375 \times \text{OR}}{13,403}$$

**Table G Contribution Rates – Community Facilities (Multi-Purpose Centres)**

Type	Occupancy Rate	Community Facilities rate per dwelling
Attached dwellings	2.26	\$922.38
Torrens Title Subdivision	3.08	\$1257.05

The costs of construction are largely fixed and therefore do not vary substantially according to geographic location. After examination of existing land resources it has been determined that there is sufficient land either currently or potentially available at the specified locations. Land on which to construct these facilities will, therefore, be provided by Council at no cost to developers.

*Library Resources*

With the projected population of the Sutherland Shire expected to increase by 13,403 persons, the Sutherland Shire Council requires an additional \$44,900 to maintain the level of service to the community (this figure does not incorporate inflation). In addition, due to changing technology and the changing profile of the Sutherland Shire community, resources such as large print books and electronic equipment which are traditionally high-cost items, will need to be incorporated into library expenditure. The contribution required for new dwellings within the Sutherland Shire to meet the needs of the new population are outlined below. The current cost to supply 2 items per capita in the Sutherland Shire is \$3.35. The Contribution Rate per dwelling is calculated by:

$$\text{Rate per dwelling} = R \times OR$$

where:

R - Cost of resources per capita = **\$3.35**  
See Step 7

OR - Assumed potential occupancy ratio per dwelling

therefore the calculation for the levy is:

$$R \times OR$$

$$\$3.35 \times OR$$

**Table H Contribution Rates – Library Resources**

Type	Occupancy Rate	Library rate per dwelling
Attached dwellings	2.26	\$7.57
Torrens Title Subdivision	3.08	\$10.32

**Total Contribution Rate**

The total contribution rate for the Community Facilities Developer Contributions Plan is outlined in Table B.

**3.5 APPORTIONMENT**

Apportionment is an important aspect of Section 94. In this Plan, Council is fully charging the construction costs to new development (apportioning none to existing development) for the following reasons:

- i. Council is levying for a standard of provision that is equivalent to the standard currently existing in the established area of the Shire.
- ii. The new facilities will be located in centres which will be accessible to those living in new developments by public, private and community transport.
- iii. Council will be providing the land for both facilities at no cost to developers.
- iv. Council adopted a 5-year Rolling Capital Works Building and Improvement Program in its 2001/2005 Financial Plan Property Division. By maintaining its commitment to these existing facilities, Council continues to meet the needs of residents by responding to changing needs. This plan will be updated in 2007 to carry the works program forward for the following five years
- v. Council will adapt the new facility to cater for the needs of the new residents who pay for the facility.
- vi. Council is committed to maintaining the level of provision to existing residents and ensuring new residents have the same level of resources.

### 3.6 REASONABLENESS

In recent cases in the Land and Environment Court, the reasonableness of the imposed levy has been considered. Council considers the levy in this Plan to be reasonable due to the following factors:

- i. This Plan is consistent with Council Policy and other Contributions Plans (as outlined).
- ii. Council is contributing the land upon which the facilities will be constructed (therefore the whole of the cost is not allocated to new residents).
- iii. Council has an ongoing Capital Works Program that will continue to upgrade existing facilities in the Shire thus ensuring the standard does not significantly vary between new and existing facilities.
- iv. It is reasonable to maintain the level of provision currently existing in the Shire and not erode the level of provision enjoyed by existing residents.
- v. When compared with other Councils, the amount of this contribution is not excessive see Table I.

**Table I Comparison of Contribution Rates for Community Facilities from Selected Councils\***

<b>LGA</b>	<b>Rate per person</b>	<b>Flat rate of contribution</b>
Hurstville (2000)		\$1,518 (1 bedroom) \$2,746 (2 bedroom) \$3,472 (3 bedroom) \$4,674 (4 bedroom)
North Sydney (2001)		<i>Detached dwellings</i> \$57.95 (1 bedroom) \$74.51 (2 bedroom) \$107.61 (3 bedroom) \$136.58 (4 bedroom) <i>Semi-detached, row, terrace house, townhouse</i> \$49.66 (bedsit) \$53.81 (1 bedroom) \$78.64 (2 bedroom) \$99.83 (3 bedroom) \$132.45 (4+ bedroom) <i>Unit or apartment</i> \$49.66 (bedsit) \$53.81 (1bedroom) \$74.51 (2 bedroom) \$95.20 (3 bedroom) \$120.02 (4+ bedroom)
Canterbury (current)		\$1,687.15 (1 bedroom) \$2,530.73 (2 bedroom) \$3,796.09 (3+ bedroom)

**Table J Comparison of Contribution Rates for Libraries from Selected Councils**

LGA	Rate per person	Flat rate of contribution
Hurstville (2000)		<u>Library Infrastructure</u> \$773 (1 bedroom) \$1,261 (2 bedroom) \$1,768 (3 bedroom) \$2,379 (4 bedroom) <u>Bookstock Acquisition</u> \$4.38 (1 bedroom) \$7.14 (2 bedroom) \$10.01 (3 bedroom) \$13.48 (4 bedroom)
North Sydney (2001)		<u>Library Acquisition</u> <i>Detached dwellings</i> \$79.20 (1 bedroom) \$101.83 (2 bedroom) \$147.11 (3 bedroom) \$186.60 (4 bedroom) <i>Semi-detached, row, terrace house, townhouse</i> \$67.91 (bedsit) \$73.54 (1 bedroom) \$107.49 (2 bedroom) \$135.79 (3 bedroom) \$181.06 (4+ bedroom) <i>Unit or apartment</i> \$67.91 (bedsit) \$73.54 (1 bedroom) \$101.83 (2 bedroom) \$130.13 (3 bedroom) \$164.08 (4+ bedroom) <u>Library extensions, fixtures and computers</u> <i>Detached dwellings</i> \$13.04 (1 bedroom) \$16.77 (2 bedroom) \$24.22 (3 bedroom) \$30.75 (4+ bedroom) <i>Semi-detached, row, terrace house, townhouse</i> \$11.18 (bedsit) \$12.12 (1 bedroom) \$17.70 (2 bedroom) \$22.37 (3 bedroom) \$29.82 (4+ bedroom) <i>Unit or apartment</i> \$11.18 (bedsit) \$12.12 (1 bedroom) \$16.77 (2 bedroom) \$21.43 (3 bedroom) \$27.03 (4+ bedroom)

Ku-ring-gai (2000, updated 2002)	<u>Library Acquisitions</u> \$53.28 (contribution per person)	
	<u>Library Extensions, Fixtures and Computer</u> \$8.77 (contribution per person)	
<i>Source: Contribution Plans from selected Councils</i>		

### **3.7 WHEN WILL THE FACILITIES BE CONSTRUCTED?**

This Plan covers the entire Shire, with the monies levied directly funding the two facilities, as well as augmenting the Menai library and upgrading the provision of library resources across the Shire. This will enable the construction of the first facility at Cronulla in 2007, with the second facility at Engadine to be undertaken as funds become available (2011). Preliminary work will focus on the identification of suitable sites, consultation with user groups, concept plans and so on.

On the basis of the results, the site of the first facility will be identified and work should commence in 2004/5. Subsequent reviews of this Plan will focus on more specific timetables, subject to the actual rate of development. Augmentation of the Menai library will be addressed over the life of this plan.

This staggered program of expenditure provides the opportunity for new residents from across the Shire to receive the benefits from the first facility in the earliest possible timeframe as soon as the funds are received. As the pressure from new residents continues to grow, the incoming funds will directly provide for the second facility, and as such, meet the increasing demand created by these residents. Council's ongoing Capital Works Program will also be in place, upgrading a range of community facilities in the major centres, throughout the timeframe of this Plan.

The introduction of resources to the library will be ongoing over the life of this plan.

### **3.8 HOW WILL THE PLAN BE MONITORED?**

As part of the ongoing work of the Community Services Department, information is maintained on the demographic characteristics of the Shire. At each review of the Plan (see Section 5) this demographic information combined with Council's development data will provide details on the rate of growth in the Shire.

If development occurs at a rate significantly different to the projections in this Plan, then there is the capacity to amend the Plan to reflect the actual demand resulting from the residents of new development.

As indicated, planning for the first facility is expected to commence within two years of the adoption of this Plan. If the detailed planning indicates a variation in the projected construction costs, then there again is the capacity to review the Plan according to the process outlined in Section 5.5.

## **4.0 ADMINISTRATION**

### **4.1 Section 94: Administration and Requirements of the Legislation**

#### ***Related Legislation and Statutory Controls***

##### **4.1.1 Legislation Providing for Contribution Plans**

The Environmental Planning and Assessment (Contributions Plans) Amendment Act, 1991 was assented to on 17th December, 1991 which provides for amendments to Section 94 of the Act - Payments towards provision or improvement of amenities or services.

This Section of the Act permits Council as consent authority where it 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 grant consent subject to a condition requiring:

- (a) the dedication of land free of cost; and/or
- (b) works in kind/material public benefit; and/or
- (c) the payment of a monetary contribution.

The amendment states that such a condition may only be imposed after 17th December, 1992 if it is of a kind allowed by and is in accordance with a contributions plan approved under the Act.

The Environmental Planning and Assessment Act Regulations were amended on 14th February, 1992 to provide for the inclusion of "Part 4A – Contribution Plans". Part 4A provides the format and procedures for Council to prepare a Contribution Plan under Section 94 of the Act and has been followed by Council in this document.

##### **4.1.2 Relationship to Development Consent**

Under the Environmental Planning and Assessment Act, Section 94 has been confirmed by the Court to be the only source of power to levy monetary contributions or require land dedications as a consequence of development.

A requirement for a contribution under Section 94 can be imposed by Council in its Determination of Development Consent pursuant to Section 91 of the Act.

The Court has established the following principals 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 and;
- the contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, would have properly imposed.

These principles emphasise the importance of “reasonableness” both in terms of the services for which contributions are sought and the actual level of contributions required by Council to help provide for them.

#### ***4.1.3 Principal Functions of Section 94***

##### *Source of Contribution*

Section 94 permits the Council to require persons developing land to pay monetary contributions and/or dedicate land in order to help fund the increased demand generated by their development for public amenities and public services.

The Council may either require a contribution to fund works or facilities to be carried out in the future or for those already constructed. The latter category is referred to as retrospective funding and may only be sought if the Section 94 component was identified when the original investment was undertaken. The Council may also include within the contribution a component towards related administrative costs.

The use of Section 94 contributions from developers for the provision of essential amenities and services is a type of “user pays charge”. The contributions reduce the burden of the cost of new urban development on the existing residents of the Shire.

The Contributions can be utilised for the capital costs to augment or add to the operation of an existing facility/service or provide for a new or additional service/facility. The contribution, however, must be utilised for the nominated purpose for which it has been collected and the relationship between the intended development and additional services and facilities illustrated. This will involve the following:

- identifying the general nexus between development and the provision of services and facilities
- outlining indicative levels of services/facility provision;
- determining catchments/areas to be served by facilities;
- determining the existing and anticipated level of development within particular catchments;
- determining from the above the increased demand for services and facilities and where and when they will be needed.

The standards of provision will be determined and will need to take account of the ability of the population to pay and also meet future maintenance costs.

##### *Apportionment*

In accordance with the need for contributions to be fair and reasonable their apportionment is important to ensure each development makes an appropriate contribution to the provision of services and facilities. Where a facility would meet some need beyond that generated by the new development contributions will be apportioned between all users. Contributions will not exceed existing standards unless Council as part of the Plan meets any current shortfall by other means such as rates, grants or subsidies. The Council can apportion costs between various income sources.

Contributions under Section 94 are generally applicable only to capital costs. Recurrent costs in most cases will be borne by users in the form of rates, charges or grant income.

### *Timing*

The Council will plan to spend monetary contributions within the period of this plan. The timing for service/facility provision will be detailed in Council's Plans and may relate to number of houses or other development criteria rather than particular dates. The aim will be for the Plans to ensure that expenditure consistently matches income so that services and facilities are provided quickly. Where an unforeseen delay may occur, the Plans will be reviewed with public consultation.

### *Types of Contribution*

The contributions as previously stated under the Act can be in the form of dedicated land, the payment of a monetary contribution or both. There is also provision for Council to accept a "material public benefit" or works in kind.

There are restrictions over the use of land dedicated to Council under Section 94 to ensure that it is made available for public amenities or public purposes or both within a reasonable time.

The monetary contributions made available to Council must be held for the nominated purpose and interest earned must be applied towards that purpose.

A material public benefit is not formally defined but should consist of physical components not being land and be of benefit to the general community. This could be in the form of augmentation of a local park such as play equipment. These can provide more immediate benefits than a monetary contribution.

The Services and facilities nominated in the Plan including any land component are costed and will be indexed to ensure that contributions keep pace with changing costs.

### *Related Strategy Controls*

In addition to the provisions relating to developer contributions in the Act, Regulations and the Contributions Plan the Council has adopted provisions within Local Environmental Plans and Development Control Plan that affect areas of land in the Shire. Reference should be made to these plans when development is being envisaged to obtain further information on the basis of contributions.

#### *4.1.2 Types of Development to be Levied*

*Developments subject to contributions under this plan.*

Sutherland Shire Council intends to levy all development which will create the potential for an increase in the demand for the use of community facilities within the Sutherland Shire Local Government Area. Development subject to contributions under this plan include:

- torrens title subdivision;
- dual occupancy housing\*;

- townhouses and villa houses;
- residential flat buildings.
- Housing for older people and people with a disability that include in-fill self-care housing and/or self-contained dwellings as defined under State Environmental Planning Policy (Seniors Living).

In addition to the above, Sutherland Shire Council recognises the growing potential for more tourist oriented development within the Sutherland Shire LGA. The short-term residents of such developments are seen as intensive users of community facilities, which it is council's responsibility to provide. As such the following forms of development will be subject to contributions under this plan:

- motel's, hotel's, boarding houses and back packers accommodation.

*Developments that may be granted exemptions under this plan.*

Notwithstanding the intentions above, Council may consider exempting developments, or components of developments that include:

- long term affordable housing;
- short term family/crisis housing,
- the maintenance of an item of heritage significance, or
- housing for older people and people with a disability that include in-fill self-care housing and/or self-contained dwellings as defined under State Environmental Planning Policy (Seniors Living), that meet the following criteria:
  - (i) the owner/developer is a not-for-profit provider of housing for older people or people with a disability, and
  - (ii) the development or developer provides ongoing care (hostel and nursing home) on the same site, and
  - (iii) the in-fill self-care housing and/or self-contained dwellings will not be subdivided and sold to individuals, but retained for rental (or loan and license) accommodation, and
  - (iv) the applicant can demonstrate that the housing will be affordable and occupied by older aged persons (ie 70+) on low incomes.

For such claims to be considered, any such development will need to include a comprehensive submission arguing the case for exemption and including details of the mechanism ensuring that such housing is, and will remain in the form proposed or how the development will incorporate the maintenance of the item of heritage significance.

*Developments not subject to contributions*

Sutherland Shire Council does not intend to levy contributions on the following types of development:

- new dwellings, extensions to existing dwellings or the replacement of existing dwellings on a single lot,
- certain forms of housing for older people or people with a disability,
- certain forms of Crown Developments.

Council will not levy section 94 contributions under this plan for dual occupancy developments if they meet the following criteria:

- (i) the dual occupancy is a maximum of 65 square metres in floor area, and
- (ii) the dual occupancy cannot be subdivided at any point in time.

Council will not levy section 94 contributions under this plan for applications made under State Environmental

Planning Policy (Seniors Living) for housing for older people and people with a disability submitted by the Department of Housing, local government providers or community housing providers. Council will also not levy the components of applications for housing for older people and people with a disability that include hostel, residential care facilities and serviced self-care housing as defined under State Environmental Planning Policy (Seniors Living).

#### **4.2 TIMING OF A CONTRIBUTION AND CONDITIONS FOR DEFERMENT OR PERIODIC PAYMENT**

##### **4.2.1 Timing of a contribution**

Except where otherwise stated, the payment of Contributions under this Contributions Plan shall be made at the following times:

- development applications involving subdivision: at the release of the linen plan;
- development application involving building work: at the time of the building approval;
- development applications involving a subdivision by a Crown Authority to be at the time of registration of the Deposited Plan;
- development applications where no building approval is required: at the time of issue of notification of consent.

##### **4.2.2 Deferred or Periodic Payment**

Council may allow deferred or periodic payment of monetary section 94 contributions subject to consideration of a section 96 modification of consent, specifying the payment method, made before the time for payment of the contribution.

In deciding whether to allow deferred or periodic payment of a monetary s94 contribution, the Council will take into consideration the following matters:

- the reasons provided by the applicant requesting a deferred or periodic payment,
- whether allowing the deferred or periodic payment is likely to prevent the public facility being provided to meet the demands of development in a timely manner,
- whether the applicant has provided the Council with adequate security in relation to the deferred or periodic payment,
- any other relevant circumstances of the case.

The decision to accept a deferred or periodic payment is at the sole discretion of Council. Prior to a periodic payment being accepted, discussions must be held with Council's section 94 planner/administrator.

If the Council determines to allow the application, the arrangements relating to the deferred or periodic payment will not take effect until the applicant has entered into a written agreement with the Council reflecting the terms of the Council's approval. If approved, a condition relating to the deferred or periodic payment will be placed on the subject amended development consent.

Applicants may apply to pay contributions through periodic payments or defer the payment for a set period by way of a bank guarantee as detailed below.

##### **Set Time Period Deferment**

A set time period deferment requires contributions to be paid within 12 months of the date of issue of the construction certificate or prior to issue of the occupation certificate, whichever

comes first. A deferred payment will only be accepted by way of a bank guarantee from an Australian bank for the total or outstanding contribution amount plus interest. A Deed of Agreement entered into by the applicant and Council must be executed prior to the release of the Construction Certificate.

**Bank Guarantee**

The guarantee requires the bank to unconditionally pay the guaranteed sum to Council at the time stipulated in the agreement. All costs incurred in the establishment, operation, administration or discharge of the bank guarantee, are borne by the applicant. The bank’s obligations are discharged when payment to the Council is made in accordance with the guarantee, or when Council notifies the bank in writing that the guarantee is no longer required, or if the related consent lapses.

The formula applied to all bank guarantees for section 94 contributions is as follows:

*Bank Guarantee Amount* =  $C(1+i)^n + A$

C	section 94 contribution that is due
i	interest foregone by Council calculated at the current overdraft rate (%)
n	period of deferral in years
A	Council’s current administration charge

**Periodic Payment**

**Periodic Payment Process**

A periodic payment deferment requires contributions to be paid within 12 months of the date of issue of the construction certificate or prior to issue of the occupation certificate, whichever comes first. A Deed of Agreement entered into by the applicant and Council must be executed prior to the release of the Construction Certificate and a payment schedule created and administered by Council.

*Periodic Payment Amount* =  $C(1+i)^n + A$

C	section 94 contribution that is due
i	interest foregone by Council calculated at the current overdraft rate (%)
n	period of deferral in years
A	Council’s current administration charge

Council may accept periodic payment by way of instalments when the development is staged and the instalment is paid before the works commence on any stage of the development at a pro-rata amount to the overall development.

**Indexation**

Deferred or periodic payment is subject to indexation which is charged on the 1<sup>st</sup> of July each year on the balance outstanding at the time.

**Condition of Consent**

If Council allows and application for deferred or periodic payment, an amended condition of consent will be placed on the Development Consent:

*Payment shall be made in accordance with a Deed of Agreement, in accordance with Council requirements and the provisions of the Plan. The Deed of Agreement must be executed prior to the issue of a Construction Certificate. Full payment of outstanding contributions is required prior*

*to the release of the Strata Plan or Occupation Certificate or within 12 months of the Deed of Agreement, whichever comes first. Note: Interest is payable at the current Council overdraft rate. This arrangement is subject to indexation which is charged on the 1st July each year on the balance outstanding at the time.*

#### **4.3 SECTION 149 CERTIFICATES**

This Contributions Plan shall be cited on all Certificates issued by the Council in accordance with Section 149(2) of the Principal Act, in relation to all land in the area nominated in this Contributions Plan.

#### **4.4 PUBLIC ACCOUNTABILITY AND ADMINISTRATION OF THE PLAN**

##### **4.4.1 Accountability**

*Provision of Regulations:*

The Regulations provide that a Contributions Plan be prepared as a public document to contain Council's policy regarding Section 94. Under Clause 41 D the following are to be made available for inspection by the public:

- each contributions plan; contributions register;
- each annual statement.

The Plan needs to provide background on Council's policy for administration of monetary or land contributions, nexus between new development and the need for public services and facilities, how contributions are determined, contribution rates, timing of payment, work schedule and costing.

*Contributions and other funds*

The contributions received under Section 94 are distinguished from all other monies held by Council.

*Accounting procedures*

The Council maintains separate accounting records which show in respect of each Section 94 Plan the contributions received and expended, including interest from each service or facility to be provided.

*Annual Statements*

The Council will provide a Statement in its Annual Financial Report on each contribution plan. This will detail opening and closing balances, amounts received and spent during the period for each service/facility category and outstanding obligations.

*Existing contributions*

Monies received as contributions by Council until 30th June, 1993, being before the commencement of the (Section 94) Contributions Plan will be held in separate accounts which detail income, interest and expenditure.

### *Contributions register*

The Contributions Register records details of conditions of development consent which provide Section 94 Contributions. The register contains the following details:-

- identifies each development consent;
- nature and extent of contribution by each public service or facility; name of relevant contribution plan;
- date any contribution or part of a contribution was received and its nature and extent.

### *Public participation*

The Regulations state that Council must provide an opportunity for the public to participate in the formulation and any amendment of the Plan. The Council will give public notice of its decision to prepare or amend a contribution plan within fourteen days after the decision is made and exhibit the draft plan for a minimum of twenty-eight days. The nature of the changes proposed and the reasons for such will be clearly outlined as part of the public participation process. The Council generally will not exhibit a change to a plan based on the impact of the indexing of contribution rates.

Any member of the public may make a written submission to Council with respect of a draft Plan which will be considered before any decision is made.

The Council will give public notice of any decision regarding a draft Plan. The Plan and Background Report will be available for public inspection.

## **4.5 ADMINISTRATIVE STRUCTURE**

4.5.1 The administration of Council's Section 94 Policy will involve the following Divisions and tasks:

### *Environmental Services (ESD)*

- imposition of contribution conditions to development consents in accordance with the Contributions Plans and Council Budget;
- liaise with LCS prior to negotiations of 'material public benefit' etc;
- liaise with LCS prior to the authorisation of any refunds;
- collection of contributions;
- preparation of development control plans for relevant areas and draft contributions plans.

### *Corporate Services*

- maintenance of contributions register;
- management of contribution funds and allocation of interest;
- preparation of Section 94 Annual Statement;
- release of funds for endorsed purposes;
- transfer and management of dedicated land prior to development.

### *Engineering*

- implementation of works in accordance with Contributions Plans and Council Budget;
- supervision of contributions of “material public benefit” (developer works) provided in accordance with Contributions Plans.

### *Property*

- valuations, negotiations and purchase;
- management of Council land assets and consolidation of facilities as outlined in this plan.

### *Library and Community Services (LCS)*

- preparation of draft provision/facility studies for social provision;
- preparation of Contribution Plan;
- release of funds to implement adopted services/facilities;
- liaise with ESD re negotiations of ‘material public benefit’, works in kind etc prior to the imposition of development consents;
- liaise with ESD prior to the authorisation of refunds;
- an Annual Review of the operation of this Section 94 Plan will be undertaken by the Community Services Department to ensure:
  - levels of service/facility provision are consistent with needs of the population resulting from new development trends and community needs;
  - contribution levels reflect changes to construction costs;
  - any changes to catchment areas;
  - work schedules are amended if development levels or priorities change.
- expenditure of library funds in accordance with Library Business Plan.

#### **4.5.2 Funds and Accounts**

The Contributions Plan will separately nominate the various categories of services/facilities for which expenditure is authorised by the Plan. For the purposes of this Plan, one trust fund only will be established.

The monetary contributions will be credited with interest on a twice-yearly basis, which will be held by Council.

The amount spent on the various services/facilities will be recorded in the fund when monies are extracted. The fund will also record details of land dedicated to accommodate services/facilities.

#### **4.5.3 Land Dedication**

Where appropriate Council will accept the dedication of land in part or whole as a Section 94 contribution for community facilities, under this Plan.

The land that is to be provided should be in accordance with the Council’s Local Environmental Plan/Development Control Plan for the area or be in an appropriate location for the proposed use. The assessment of the suitability of the land if not specifically identified in the Contributions Plan will occur

at the Development Application stage. Reference will be made to such matters as the nature of the site, access, suitability for the purpose intended and potential ongoing costs to Council.

Where the land has not been identified for dedication and the land is being provided in part or in whole in lieu of a monetary contribution, Council will undertake a valuation. Upon agreement being reached as to the land value and exchange of contracts Council will offset the value of the land against the monetary contribution payable.

Specific aspects of land suitability for dedication are detailed in the Contributions Plan in Section 4.2.

#### **4.5.4 Works in Kind**

Council may accept the construction of amenities or services to offset the monetary contribution where there is a “material public benefit”. The works provided must be in accordance with the schedules of works contained in this Plan. The dollar value of this work must be identified and be equivalent to other contribution types.

The applicant will need to initiate this option by giving Council full details of work proposed to be undertaken at the time of Development Application or be a Section 102 amendment, and in either case if agreed by Council be included within the development consent.

If the works in kind are not completed prior to the release of the linen plan/approved building plan/occupation of the site then the applicant will need to provide Council with suitable financial guarantees (normally by way of Bank Guarantee) for the amount of the works not completed. Upon completion of the works Council will discharge the financial guarantee.

The works would be inspected by Council during their progress and an agreement to include a maintenance and defects liability period will be required.

The Council and applicant may agree to exceed the required contribution level by the “works in kind” and provide for either:

- a reimbursement for the additional facility in a monetary form; or
- the acceptance of the work as a “credit” against future contributions in the same contribution fund area. Where a credit is agreed this shall be confirmed in writing between the Council and applicant to include the agreed value not be redeemable in cash and will not be indexed.

#### **4.5.5 Monitoring/Review of the (Section 94) Contributions Plan**

There will be a need for Council to monitor and review the (Section 94) Contributions Plan to take account of such matters as community needs, cost of service/facility provision, rate and extent of development, affordability of contributions and progress of scheduled works.

There are three specific aspects to the monitoring/review process:

- review Contributions Plan to ensure that contributions are meeting the demands from development;

- review contribution rates to ensure that the costs of services/facilities are being met;
- review works schedule to ensure that priority needs from funds are being met and that services/facilities are appropriately sited, designed and constructed.

Over time the character and scale of development may not be as projected by the Contributions Plan or community needs may change. Information will need to be obtained from sources such as the census in addition to local studies. The rate of development will, to an extent, determine the frequency of Plan review, which will cover:

- rate of development which could be measured in terms of dwellings or floor space as compared to projections;
- changes to the anticipated/surveyed needs;
- expenditure and type of provision to date;
- implications of other development and/or changes to Council’s strategic policies;
- provision of services according to the work schedule.

The aim of this Plan Review will be to implement new/changed provision from either January 1 or July 1 each year (as determined at the time of the review) to link with contribution rate and work schedule programs.

The contribution rates are set having regard to identified needs and costed projects. There are however, inflationary impacts on these rates due to rises in construction costs.

#### **4.5.6 Indexation**

The contribution rates are indexed by use of the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD). These figures are produced by the Australian Bureau of Statistics in its publication “Australian National Accounts National Income and Expenditure” and are published on a quarterly basis.

The IPD is considered to be a more appropriate index than the consumer price index because it takes into account increases in building costs. The IPD has been recommended for use by PlanningNSW to index contributions. The formulae to review contributions is as follows:-

$$\text{Revised Contribution} = \frac{\text{Old Contribution} \times \text{Current IPD}}{\text{IPD as applicable at time of consent}}$$

The revised contribution rates will be implemented from the 1st July, as will be determined by the review process.

The Contributions Plan provides for specific works to be undertaken to meet the needs generated by development. These works will generally be prioritised and an annual program will be prepared for works that can be funded the following year having regard to the level of contributions generated.

The overall priorities and schedule of nominated works will be reviewed and will link with Council’s

annual works program. Revised programs will be adopted in consultation with the review process.

#### ***4.5.7 Appeal Rights***

An applicant may lodge an appeal with the Land and Environment Court in response to a condition of consent that is imposed in accordance with a (Section 94) Contributions Plan.

# APPENDIX A



## APPENDIX B

### WORKS SCHEDULE

<b>Facility/Area</b>	<b>Size</b>	<b>Land</b>	<b>Cost* (\$000)</b>	<b>Preliminary Work</b>	<b>Construction</b>
Cronulla	1100 sqm	To be provided by Council	2,612,500	Late 2004	2007
Engadine	1100 sqm	To be provided by Council	2,612,500	Late 2007	2011
Menai Library	103 sqm	Existing land	244,625	Late 2008	2011
Library	N/A	N/A	44,900		Ongoing

\* Costs include planning, design and construction.

This schedule will be revised according to the provisions detailed in Section 4.

## **APPENDIX C COMMUNITY FACILITIES SURVEY - SUMMARY OF RESULTS**

There were a total of seven respondents to the Community Facilities Survey conducted in Feb/March 2003. The Survey was divided into two target groups. Group A comprised community group representatives while Group B comprised community networks. Six surveys were returned by community group representatives, while only one survey was returned by a community network.

The majority of surveys returned were completed on behalf of the members of each group and therefore represent a greater number of individuals. Responses were received from a variety of groups ranging from small (less than 20 members) to large (greater than 120 members).

Key findings of the survey include:

- Respondents from both Group A and B indicated that the most common concerns regarding community facilities were affordability, adequate parking, improved toilet facilities and the layout of the facility.
- References to the layout of the facility mentioned the need for meeting areas, separate toilet facilities for staff and general renovations to better suit the users of the facilities.
- The need for facilities to cater for increased capacity and multiple purposes was also a key issue.
- In addition to the layout of the facility, a number of features were listed as important components of a community facility. These features included access for people with disabilities, more office space, food outlets/café, kitchen facilities, air conditioning and tables and chairs.
- The response from Group B also indicated the need for facilities that are reserved for community groups and that cannot be used by businesses. The location of the facility near public transport but removed from housing was also raised as an issue to allow for after hours activities.

More detailed research into specific needs of the changing community resulting from development will be undertaken as part of the planning process outlined in this Plan.

## APPENDIX D

### REFERENCE LIST

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