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***Byron Shire Council***


***Section 94 Development Contributions Plan  
2005 (incorporating Amendment No. 1)***

*September 2005  
Reference 1105/01  
Revision 2*

## NOTES

This document incorporates Amendment No. 1 to the Byron Section 94 Contributions Plan 2005. Amendment No 1 came into effect on 1 September, 2005 and provides for amendments to the Byron Section 94 Contributions Plan 2005.

Reference should be made to these documents in the event of any inconsistency.

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# 1. Introduction

## 1.1 Section 94 Contributions Plans

Section 94 of the *Environmental Planning and Assessment Act, 1979* ("the EP&A Act") allows Council to recover costs of infrastructure and facilities provided by Council to meet the demands of future development (such as community facilities, open space, roads, car parking).

There are a number of fundamental principles that Council is required to follow when levying contributions under Section 94:

- Council must establish a **nexus** (or direct relationship) between the need created by a new development and the provision of public services.
- The contributions must relate to or be imposed for a **planning purpose**.
- The contributions must be **reasonable** for the particular development.
- The contributions must be spent within a **reasonable time**
- The funds collected must be **accounted for** in a clearly identifiable manner and in the prescribed form and manner.

For Council to impose a Section 94 Contribution, a Contributions Plan (CP) that complies with the above principles must be in place. This CP must also set out in detail the manner in which Council has arrived at and calculated the contribution.

The contributions can be received either as a cash payment, as works in kind or as a material public benefit (these concepts are discussed below). Council can also partly or wholly recoup funds that have been expended if those funds were expended to provide for demand (or a component of that demand) ahead of the demand occurring.

Clause 27(1) of the *Environmental Planning and Assessment Act Regulation 2000* ("the EP&A Regulation") provides that a contributions plan must include particulars of the following:

- (a) the purpose of the plan;
- (b) the land to which the plan applies,
- (c) the relationship between the expected types of development in the area and the demand for additional public amenities and services to meet that development,
- (d) the formulas to be used for determining the section 94 contributions required for different categories of public amenities and services,
- (e) the contribution rates for different types of development, as specified in a schedule to the plan,
- (f) the Council's policy concerning the timing of the payment of monetary section 94 contributions and the section 94 conditions that allow deferred or periodic payment,
- (g) a works schedule of the specific public amenities and services proposed be provided by the Council, together with an estimate of their cost and staging.

This CP has been prepared in accordance with the EP&A Regulation and the former Department of Urban Affairs *Section 94 Manual*. It comprises all relevant statutory information required for applicants, outlines relevant issues such as nexus and apportionment as well as a summary of the formulas and contributions rates to be adopted by Council. As such, it fulfils the above principles for the establishment of a CP.

## 2. Part A – Summary Schedules

### 2.1 Executive Summary

This document is the Byron Shire Development Contributions Plan 2005. This Plan is made under Section 94B of the EP&A Act. It has four parts comprising the following:

- **Part A:** This part provides an outline of uses subject to special consideration and a schedule of contribution rates applicable to various types of development throughout the Shire and any amendments to the plan.
- **Part B:** This part establishes the statutory framework of the Plan, including matters such as objectives, definitions, timing of payments, and review mechanisms.
- **Part C:** This part outlines the main development, population and employment projections used to determine the facilities to be levied. This part also outlines the Strategy of Council for the provision of public facilities throughout the Shire during the term of the Plan, the nexus between new development and proposed public facilities, and the calculation of contribution rates
- **Part D:** This part provides a summary of the documents used for the preparation of the Contributions Plan.

Council will allocate funds for the upgrading and establishment of public services and public facilities in line with growth and development in the Shire and in consideration of funds accrued for the various types of facilities and services.

## 2.2 Summary of Works Schedule

FACILITY	CATCHMENT						
	Byron Bay/Suffolk Park	Mullumbimby	Brunswick Heads	Bangalow	Ocean Shores/ New Brighton / South Golden Beach	Rural North	Rural South
Community Facilities	<ul style="list-style-type: none"> <li>• Embellish existing community centre</li> <li>• Remaining funds to be collected/facilities completed</li> <li>• Byron library improvement / redevelopment</li> <li>• Updated pre-school cost</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Upgrade Mullumbimby Civic Hall/Neighbourhood Centre</li> <li>• Mullumbimby library improvement (shire-wide)</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Existing community centre to be upgraded</li> <li>• Brunswick Heads library improvement</li> </ul>	<ul style="list-style-type: none"> <li>• Upgrade A&amp;I Hall for community centre</li> <li>• Provide for child care facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Embellishment of community centre facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Improvements to halls</li> </ul>	<ul style="list-style-type: none"> <li>• Improvements to halls</li> </ul>
Open Space: Local	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Local parks</li> <li>• Embellish existing parks</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Local parks</li> <li>• Embellish existing parks</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Local parks</li> <li>• Embellish existing parks</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Local parks</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Local parks</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Embellish existing parks</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Embellish existing parks</li> </ul>
District/ Structures	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Structured open space embellishment</li> <li>• District park</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Sportsfield</li> <li>• District park</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Structured open space embellishment</li> <li>• District park</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Structured open space embellishment</li> <li>• District park</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Sportsfield</li> <li>• District park</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Structured open space embellishment</li> <li>• District park embellishment</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed</li> <li>• Structured open space embellishment</li> <li>• District park embellishment</li> </ul>
Roads	<ul style="list-style-type: none"> <li>• Staged construction of bypass</li> <li>• Traffic management</li> <li>• Roundabouts</li> <li>• Upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Roundabouts</li> <li>• Upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic management</li> </ul>	<ul style="list-style-type: none"> <li>• Upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Upgrades</li> </ul>
Car Parking	<ul style="list-style-type: none"> <li>• 250 spaces</li> </ul>	<ul style="list-style-type: none"> <li>• 50 spaces</li> </ul>	<ul style="list-style-type: none"> <li>• 100 spaces</li> </ul>	<ul style="list-style-type: none"> <li>• 86 spaces</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

FACILITY	CATCHMENT						
	Byron Bay/Suffolk Park	Mullumbimby	Brunswick Heads	Bangalow	Ocean Shores/ New Brighton / South Golden Beach	Rural North	Rural South
Cycleways	<ul style="list-style-type: none"> <li>Upgrading/new cycleways</li> </ul>	<ul style="list-style-type: none"> <li>Upgrading/new cycleways</li> </ul>	<ul style="list-style-type: none"> <li>Upgrading/new cycleways</li> </ul>	<ul style="list-style-type: none"> <li>Upgrading/new cycleways</li> </ul>	<ul style="list-style-type: none"> <li>Upgrading/new cycleways</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>
Civic/Urban Improvements and Shire Support Facilities	<ul style="list-style-type: none"> <li>Town centre Works: seating, lighting rubbish bins, bike racks, notice boards and signage</li> <li>Jonson Street upgrade</li> <li>Upgrade public toilets</li> <li>Additional lifesaving equipment</li> </ul>	<ul style="list-style-type: none"> <li>Additional seating, rubbish bins, notice boards and signage</li> <li>Upgrade public toilets</li> <li>Improve walkways and footpaths</li> <li>Landscaping within town centre</li> <li>Additional lifesaving equipment</li> </ul>	<ul style="list-style-type: none"> <li>Additional seating, rubbish bins and signage within town centre and Beach Road area</li> <li>Improve walkways and footpaths</li> <li>Landscaping within town centre</li> <li>Additional lifesaving equipment</li> </ul>	<ul style="list-style-type: none"> <li>Additional seating, rubbish bins, notice boards and signage</li> <li>Provide public toilets</li> <li>Improve walkways and footpaths</li> <li>Additional lifesaving equipment</li> </ul>	<ul style="list-style-type: none"> <li>Improve walkways and footpaths</li> <li>Street landscaping</li> <li>Additional lifesaving equipment</li> </ul>	<ul style="list-style-type: none"> <li>Walkways and footpaths, street landscaping</li> <li>Upgrading bushfire fighting equipment and Additional vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Walkways and footpaths, street landscaping</li> <li>Upgrading bushfire fighting equipment and Additional vehicle</li> </ul>
Administration	<ul style="list-style-type: none"> <li>Administrative resources (shire wide)</li> </ul>						

2.3 Schedule of Contributions by Area and by Category

Catchment	Community Facilities	Open Space	Roads	Car Parking	Cycleways	Civic and Urban Improvements Per Person	Shire Support Facilities		Administration
	Per Person	Per Person	Per Trip	Per Space	Per Person		Rural Fire Services - Per Person	Lifesaving Facilities - Per Person	Per Person
Byron Bay / Suffolk Park	\$561.81	\$3,214.01	\$750.23	\$49,202.26	\$265.54	\$577.23	\$0.00	\$9.38	\$274.03
Mullumbimby	\$546.66	\$1,898.17	\$750.23	\$13,349.52	\$265.54	\$504.40	\$0.00	\$9.38	\$274.03
Brunswick Heads	\$532.49	\$2,369.99	\$750.23	\$40,812.21	\$265.54	\$518.54	\$0.00	\$9.38	\$274.03
Bangalow	\$575.73	\$1,910.65	\$750.23	\$20,581.36	\$265.54	\$524.72	\$0.00	\$9.38	\$274.03
Ocean Shores / New Brighton / SGB	\$768.27	\$2,579.08	\$750.23	\$0.00	\$265.54	\$382.76	\$0.00	\$9.38	\$274.03
Rural North	\$425.52	\$1,251.76	\$750.23	\$0.00	\$265.54	\$249.14	\$301.82	\$0.00	\$274.03
Rural South	\$482.60	\$1,203.76	\$750.23	\$0.00	\$265.54	\$249.14	\$301.82	\$0.00	\$274.03

2.4 Schedule of Contribution Rates by Development Type and by Area

Contribution Rates		Byron Bay	Mullumbimby	Brunswick	Bangalow	Ocean Shores	Rural North	Rural South
<b>Residential Development</b>	<b>Occupancy Rate</b>							
Residential flats/medium density 1-bedroom dwelling	1.4 persons/dw	\$10,498.51	\$8,533.18	\$9,193.69	\$8,619.79	9,626.40	\$7,914.62	\$7,927.33
2-bedroom dwelling	1.7 persons/dw	\$12,748.20	\$10,361.72	\$11,163.77	\$10,466.89	\$11,689.21	\$9,610.61	\$9,626.05
3 or more-bedroom dwelling	2.6 persons/dw	\$19,497.24	\$15,847.34	\$17,074.00	\$16,008.16	\$17,877.61	\$14,698.59	\$14,722.19
Detached dwelling	2.6 persons/dw	\$19,497.24	\$15,847.34	\$17,074.00	\$16,008.16	\$17,877.61	\$14,698.59	\$14,722.19
Subdivision	2.6 persons/dw	\$19,497.24	\$15,847.34	\$17,074.00	\$16,008.16	\$17,877.61	\$14,698.59	\$14,722.19
<b>Tourist Accommodation</b>	Per bed	\$7,498.94	\$6,095.13	\$6,566.92	\$6,156.99	\$6,876.00	\$5,653.30	\$5,662.38
<b>Other Development</b>		Contribution to be based on the rates identified in Schedule 2.3						

Notes:

1. An SDU refers to a "standard dwelling unit" which equates to a standard dwelling. 1 SDU = 2.6 persons. All rates are per SDU except where indicated in the schedule.
2. Urban dwellings generate 9 trips per SDU; rural dwellings generate 10 trips per SDU
3. The contributions for roads are shown for a standard residential unit based on 9 trips per SDU. Where a proposal is for development other than residential development, the contribution will be based on the number of daily trips generated by the development (as identified by Council) multiplied by the per trip contribution rate.
4. Car parking charges may apply if car parking not provided on site and development is located in or near town centres.
5. Commercial, retail and industrial development will pay a contribution based on the appropriate rates for relevant facilities at the rate of 0.38 SDU per employee based on the following employee generation rates per square metre: commercial development – 1/20 m<sup>2</sup> of gross floor area (GFA); retail – 1/40 m<sup>2</sup> GFA; industrial – 1/80 m<sup>2</sup> GFA.

## ***3. Part B – Administration and Operation of the Plan***

### **3.1 Name of the Plan**

This Plan is called the "*Byron Shire Development Contributions Plan 2005*"

### **3.2 Purpose of the Plan**

The aims and objectives of the Contributions Plan are to:

- (a) provide an overall administrative framework under which specific public facilities strategies may be implemented and co-ordinated;
- (b) ensure that adequate public facilities are provided for as part of any new development;
- (c) authorise the Council, when granting consent to development applications for development on land to which this plan applies, to impose conditions under Section 94 of the Environmental Planning and Assessment Act 1979 requiring the payment of monetary contributions or the dedication of land or both towards the provision, extension or augmentation of public amenities and public services within the Council's area;
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- (e) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development;
- (f) enable the Council to be both publicly and financially accountable in its assessment and administration of the Contributions Plan.

### **3.3 Area the Plan Applies**

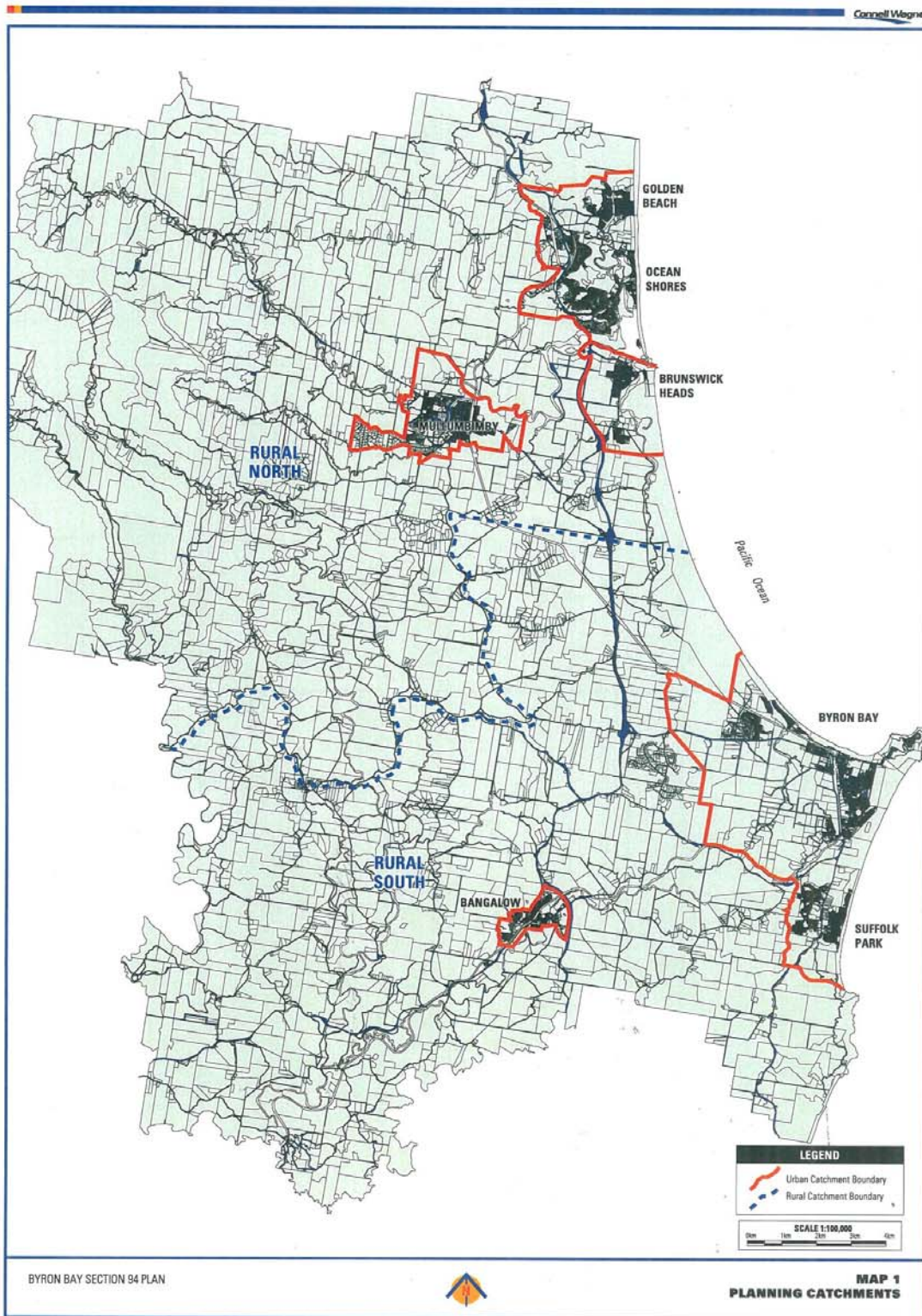
This Plan applies to all land within the Shire of Byron. The Shire and the individual catchments zones referred to in this Plan are shown on **Figure 1**.

To avoid doubt, the catchments for the purposes of this plan are:

- **Rural catchment** (ie rural north or rural south): the areas contained with a rural zone, rural residential zone, village zone or environmental protection zone;
- **Urban catchment**: the areas contained within a residential zone (other than a village zone), business zone, tourist zone, open space zone (other than open space zones contained within a rural catchment), environmental protection zone (other than environmental protection zones contained within a rural catchment) and industrial zone.

### **3.4 Relationship with Other Plans and Policies**

This Contributions Plan has been prepared pursuant to the provisions of Section 94 of the EP&A Act and Part 4 of the EP&A Regulation and takes effect from the date on which public notice was published, pursuant to Clause 31(4) of the EP&A Regulation.



The Contributions Plan supplements the provisions of Byron Local Environmental Plan 1993 and any amendment or local environmental plan which may supersede it.

This Contributions Plan repeals the *Byron Council Section 94 Contributions Plan 2001-2006*. In accordance with Section 94C(3) of the EP&A Act, the amendment or repeal of any earlier CP does not affect the previous operation of these CPs in relation to previous consents issued under those plans. Consequently, a condition of consent requiring a contribution imposed by virtue of any previous CP, which at the date of the repeal of that CPs is unpaid, shall be indexed and adjusted as if that Plan had not been repealed.

### 3.5 Definitions

"Applicant" means the person, company or organisation submitting a development application.

"Civic and urban improvements" means a work carried out to improve the appearance or use of public areas, such as streets, malls, seating, lighting, information boards, footpaths and the like.

"Contribution" means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in Section 94 of the EP&A Act.

"Contributions Plan" or "CP" means a contributions plan referred to in Section 94B of the EP&A Act.

"Council" means the Council of the Shire of Byron.

"CPI" means the consumer price index (all groups Sydney) as published by the Australian Bureau of Census and Statistics.

"DIPNR" means the NSW Department of Infrastructure, Planning and Natural Resources (or its predecessor bodies).

"Embellishment" means the enhancement of any public facility provided by the Council by the provision of services, facilities or works which would increase its carrying capacity or allow additional use.

"EP&A Act" means the *Environmental Planning & Assessment Act, 1979*, as amended.

"EP&A Regulations" means the *Environmental Planning & Assessment Regulation, 2000*, as amended.

"Gross Floor Area" means the sum of the area of each floor of a building where the area of each floor is taken to be the areas within the outer face of the external enclosing walls but excluding

- (a) columns, fin walls, sun control devices and any elements outside the general line of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, and vertical air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the council and any internal access to the car park, and
- (d) space for the loading and unloading of goods.

"LEP" means a local environmental plan made by the Minister under Section 70 of the EP&A Act.

"LGA" means the local government area of the Shire of Byron.

"Public facility" means any public amenity or public service, as referred to in Section 94 of the EP&A Act, the need for which has increased or been created by development.

"Recoupment" means the payment of a monetary contribution to the Council to offset the cost (plus any interest) which the Council has already incurred in providing public facilities in anticipation of development.

"Settlement" means the payment of a monetary contribution, the undertaking of a work in kind or the exchange of documents for the dedication of land required as a result of new development.

"Works in kind" has the same meaning as a "material public benefit" as referred to in Section 94(5)(b) of the EP&A Act and means the undertaking of any work associated with the provision of a public facility.

"Works program" means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

### **3.6 When Contributions are Paid**

Payment of a contribution, unless otherwise agreed in writing with the Council, shall be at the following stages:

- a) In the case of consent to development where no further approvals are required – before the compliance certificate is issued.
- b) In the case of consent to development where a subdivision certificate is required – prior to the issue of a subdivision certificate.
- c) In the case of consent to development where a construction certificate is required – before the construction certificate is issued.
- d) In the case of any other development – before compliance certificate is issued.

### **3.7 Complying Development and the Obligation of Accredited Certifiers**

In accordance with Section 94D(1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this CP which satisfies the following criteria:

- Where a development consent for a subdivision was issued by the Council prior to the adoption of a Section 94 Contributions Plan, and no Section 94 contribution was paid, any development application for a new dwelling will be required to pay a contribution in accordance with this Plan.
- Where a development creates the potential for an increase in demand for the public amenities and services identified in the CP.

The conditions imposed must be consistent with Council's standard Section 94 consent conditions and be strictly in accordance with this CP. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the Section 94 condition correctly.

### **3.8 Construction Certificates and the Obligation of Accredited Certifiers**

In accordance with Clause 146 of the EP&A Regulation 2000, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with Clause 142(2) of the of the EP&A Regulation 2000. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### **3.9 Deferred/Periodic Payments**

Deferred or periodic payments may only be permitted in the following circumstances:

- Where the applicant can demonstrate to the Council that the payment of contributions in accordance with this plan is unreasonable and Council accepts deferred or periodic payment; or
- Where the applicant intends to make a contribution by way of works-in-kind or land dedication in lieu of a cash contribution in a future stage of the development being levied and Council and the applicant have a legally binding agreement for the provision of the works or dedication; or
- In other circumstances considered reasonable by Council.

All requests for deferred or periodic payment of contributions are required to be made in writing and may only be accepted where:

- There are valid reasons for the deferral or periodic payment (as outlined above);
- The granting of the request will not adversely impact on the administration, operation or cash reserves;
- The granting of the request will not jeopardise the timely provision of works or land identified.

Where Council allows a deferral of contributions an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security;
- The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work;
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;

- The Bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the Bank in writing that the guarantee is no longer required;
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- the instalment be paid before the work commences on the relevant stage of the development;
- the amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, plus CPI and any interest that may be due.

Any outstanding component of the contribution shall be indexed, at the date of payment, in accordance with the Indicative Borrowing Rate for NSW Local Government Authorities, as published weekly.

### 3.10 Works in Kind, Unanticipated Development and Planning Agreements

The Council may accept an offer by the applicant to provide an "in-kind" contribution (ie the applicant completes part of all of a work identified in the Plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this Plan. A material public benefit is defined in the EP&A Act as **not** comprising the dedication of land or the payment of monetary contribution.

The following formula will be applied for works in kind or material public benefit contributions in lieu of Section 94 contributions:

$$C = W_v$$

where

- C - is the Section 94 contribution due
- $W_v$  - is the value of the work in dollars

Council will only accept such alternatives provided the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this Plan and the standard of the works is to Council's full satisfaction. The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Acceptance of works in kind is at the sole discretion of the Council. Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs will be at the expense of the applicant.

There may be instances where development may occur that is not anticipated by this Plan. While the Plan is based upon a "population capacity" concept, development could occur outside or within the urban zones (such as tourists developments) that will create demand for the provision of public amenities or public services which are not catered for in the Plan's work program.

Consequently, this Plan expressly allows the Council to review such development on the basis of the demand that it generates and calculate a contribution in accordance with the formulas set out in this Plan.

### 3.11 Adjustment of Contributions at Time of Consent

The contributions stated in a consent are calculated on the basis of the section 94 contribution rates that are current during the quarter in which consent is granted. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment.

The current contributions are published by Council and are available from Council offices. Should the applicable contribution rates not be validly published by the Council, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

### 3.12 Review of Contribution Rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index (CPI), land value increases, the capital costs of administration of the Plan or through changes in the costs of studies used to support the Plan, the Council will review the contribution rates.

The contribution rates will be reviewed by reference to the following specific indexes:

- a) Construction costs by the Consumer Price Index as published by the Australian Bureau of Statistics (all groups Sydney);
- b) Land acquisition costs by reference to average land valuation figures published by Council in Councils Management Plan;
- c) Specific valuations for particular parcels of land that are identified in the Section 94 Plan as published by the Council and available on Council's website and from Council offices;
- d) Changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing Council's Section 94 plan by reference to increases in salary rates under the Local Government State Award.
- e) Changes in the capital costs of various studies and activities required to support the strategies in the Plan by reference to the actual costs incurred by Council in obtaining these studies.

For changes to the consumer price index, the contribution rates will be reviewed on a quarterly basis in accordance with the following formula:

$$C_a \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where

- C<sub>a</sub>** - is the contribution at the time of adoption of the plan expressed in dollars;
- Current CPI** - is the consumer price index as published by the Australian Bureau of Statistics (all groups Sydney Catalogue 6401) available at the time of payment;
- Base CPI** - is consumer price index for the quarter as published by the Australian Bureau of Statistics (all groups Sydney) at the date of adoption of this Plan which is **148.2**

Note : In the event that the Current CPI is less than the Previous CPI, the Current CPI shall be taken as not less than the previous CPI

For changes to land values, the Council will publish at least on an annual basis the revised land index values that are to be used to change the base land values contained in the plan. For changes in salary costs and changes in the costs for studies and other activities associated with the Plan, Council will publish at least on an annual basis the revised indexes that that are to be used to change the base costs of salaries and the costs of studies and associated activities in administering the plan.

The Council may also review the works schedule, the estimate of costs of the various public facilities, land acquisition costs or other aspects relating to the Contributions Plan by making reasonable substitutions where demand may change or where works are not required or cannot be carried out. This may require amendment of the Plan which will be carried out in accordance with the provisions of the EP&A Act.

### 3.13 Allowances for Existing Development

Contributions will be levied according to the estimated increase in residents, tourists or workers. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. In assessing the contribution of existing development the following occupancy rates will be used:

- Dwelling houses and single vacant allotments – 2.6 persons per dwelling or lot.
- Medium density and residential flat development – 1 bedroom dwellings- 1.4 persons per dwelling; 2 bedroom dwellings – 1.7 persons per dwelling; 3 bedroom dwellings – 2.6 persons per dwelling;
- Tourist development – 1 person per bed
- Seniors Living SEPP 5 dwellings – 1 person per 1 bedroom dwelling, 1.5 persons per 2 bedroom dwelling, 2 persons per 3 bedroom dwelling.
- Commercial/office space – one employee per 20 square metres of gross floor area.
- Retail space – one employee per 40 square metres of gross floor area.
- Industrial space – one employee per 80 square metres of gross floor space.

### 3.14 Savings and Transitional Arrangements

A development application that is submitted after the adoption of this Plan shall be assessed in accordance with the provisions of this CP and any relevant strategies made under this Plan.

A development application which has been submitted prior to the adoption of this CP but not determined shall be determined in accordance with the provisions of the CP which applied at the date of determination of the application. Any contribution payable under such an approval shall be based on the contribution rate applicable at the time of payment. For staged development, the contribution for each such stage shall be based on the contribution rate applicable at the time of payment.

A condition of consent imposed by virtue of this Plan, which at the date of the repeal of this Plan is unpaid, shall be indexed and adjusted as if this Plan had not been repealed.

## 4. Part C – Strategy Plans

### 4.1 Introduction

This section sets out the strategies that Byron Council intends to follow to cater to the needs of future population growth and development in the LGA. The strategies described identify the demand for public services and public facilities that are anticipated to occur as a result of this growth. While the Council has made a reasonable assessment of the likely growth, conditions or assumptions may vary beyond that envisaged by the Council. The Council reserves the right to amend these strategies in response to future changes including unanticipated development. This may require the amendment of the CP and any such review would occur in accordance with the provisions of the EP&A Act.

To arrive at contributions for different types of development and for different types of facilities, the methodology adopted in the Plan is as follows:

- identify the types of existing development in the Council's area;
- identify the public amenities and public services that serve each type of existing development and assess whether they are adequate;
- identify the expected types of new development;
- assess the demand for public amenities and public services that will be generated by each expected type of new development;
- determine the additional public amenities and public services that the Council proposes to provide;
- apportion the demand for those additional public amenities and public services between existing and new development and between local and regional demands.

The following sections provide an outline of the anticipated growth and development in the LGA that will create demand for a range of public amenities and public services. Subsequent sections examine the demand for each of the following types of public amenities and public services:

- Community and cultural facilities and services.
- Open space and leisure facilities and services
- Roads and traffic management facilities and services
- Car parking facilities and services
- Cycleway facilities and services
- Civic and urban improvements
- Shire support facilities
- Administration

### 4.2 Description of Byron Shire

Byron Shire is located on the far North Coast of NSW. It can be described as a medium sized local government area (LGA) extending some 30 km along the coast from just south of Broken Head in the South to New Brighton in the north and extends some 20 km inland.

The main urban development in the LGA is concentrated on or along the coastal strip including Mullumbimby, Bangalow, Byron Bay, Brunswick Heads and the combined urban areas of Ocean Shores/New Brighton/South Golden Beach. Various smaller villages are dispersed through the rural areas including Federal, Main Arm, Wilsons Creek, Eureka, Billinudgel and Goongerry.

The hierarchical function of each of the Shire's main urban centres is as follows:

- *Mullumbimby*: the areas administrative centre as well as a hinterland service centre. The town provides residential and rural residential living opportunities.
- *Bangalow*: a small, historic town providing residential and rural residential living opportunities
- *Byron Bay*: an industry and commercial service centre providing residential living opportunities. The town is also a major tourist destination.
- *Suffolk Park*: a small beachside residential area also providing small scale tourism opportunities
- *Brunswick Heads*: a beachside residential area also providing family based tourism opportunities
- *Ocean Shores/South Golden Beach/New Brighton*: a beachside residential area

The LGA has experienced sustained and often relatively rapid population growth over the last two decades with the majority of growth attributable to in-migration rather than natural increase.

#### 4.3 Catchment Areas

The catchment areas for the purposes of this CP are shown in Figure 1.

#### 4.4 Nexus

The strategies for provision of facilities and services made under this CP must establish the nexus between the expected types of development in the area and the demand for additional public amenities and public services. Each of the Public Facilities Strategies made under this Plan will provide a demonstration of nexus based on:

- the anticipated types of development in the Council area;
- the capacity of public facilities currently provided in the area;
- the anticipated demand for public facilities and infrastructure arising from the proposed development;
- the relationship between this development and the demand for additional public amenities and public services
- the contribution required by development to meet the anticipated demand; and
- the nature of the works proposed to be implemented from funds generated by the development.

The contribution rates for different types of development and the proposed works to satisfy those needs are summarised in Part A and the formulae to be used for determining contributions is provided in Part C of this Plan

#### 4.5 Expected Development

##### 4.5.1 Past Growth

Byron Shire has experienced rapid growth over in the last 20 years. In the period 1986 to 2001 (the last census for which data are available), the population of Byron Shire experienced an increase in population of over 160%, which was significantly higher than the state average.

At the 2001 census Byron Shire Council had a total population of 30,327 persons. Byron Bay/Suffolk Park was the largest urban centre with a combined population of 10,322 with Ocean Shores/New Brighton/South Golden Beach (4985), Mullumbimby (3047) and Brunswick Heads (1836) also having relatively large population bases. While rural areas had large population bases (almost one third of the total population) these are spread through dispersed localities and villages. This is one of the more unusual characteristics of Byron Shire. Details of the 2001 population by urban area are shown in Table 4.1.

Table 4.1: Total Population (ABS, 2001)

Area	1996 <sup>1</sup>	2001 <sup>1</sup>	% Change 1996-2001 <sup>2</sup>	2001 <sup>3</sup>	Comment
Byron Bay	6,130	7,008	14.3	5,241	The 2001 figure includes 2042 tourists residing in the town on census night
Suffolk Park	2,527	3,314	31.4	3,212	There was significant new development
Mullumbimby	2,871	3,047	6.1	3,043	The collector district boundary excludes a small proportion of new development along Left Bank Road which is included in the Rural North figures.
Brunswick Heads	1,837	1,836	0	1,666	There was a 10% vacancy rate which partly explains the lack of growth
Bangalow	906	1,241	37	1,218	The collector district slightly changed between 1996 and 2001
Ocean Shores/New Brighton/ South Golden Beach	4688	4,985	6.3	4,912	
Rural North	4897	5,006	2.2	4,809	
Rural South	3,721	3,890	4.5	3,695	Includes the second highest number of tourists
Other Residents				379	Those not able to identify the locality in which they reside
<b>Byron Shire</b>	<b>27,577</b>	<b>30,327</b>	<b>10</b>	<b>28,175</b>	

Source: ABS 1996 and 2001 The above figures are from Table 1 of the Byron Shire Council *Byron Shire Community Profile* and *Byron Social Plan 2004*

- Notes:
1. Population is from the ABS Basic Community Profile which includes residents and visitors counted on census night but does not include residents away on census night
  2. Change is measured between the 1996 and 2001 basic profiles for consistency
  3. This is the actual resident population in the Shire and each of the towns which has been used for planning purposes in the Plan. The figure for Byron Bay and Suffolk Park includes Ewingsdale as the Settlement Strategy uses this area to calculate the total population capacity.

#### 4.5.2 Housing Trends

Table 4.2 provides a profile of housing statistics for Byron Shire in 2001. Byron Shire is characterised by a large number of separate private dwellings (over 75%) and a smaller number of low to medium density housing types (14%) while other dwellings (such as caravan parks and improvised homes) accounts for around 18% of the stock. The average occupancy rate for all dwellings in Byron Shire is 2.5 persons/dwelling.

Table 4.2: Housing Stock and Occupancy Rates, Byron Shire 2001

	Occupied Dwellings	No. in occupied dwellings <sup>1</sup>	Occupancy Ratio <sup>2</sup>
Separate House	9017	23272	2.6
Semi-detached, terrace or townhouse	903	1854	2.1
Flat, Unit, or apartment	886	1519	1.7
Other	813	1325	1.6
Not Stated	119	258	2.2
Unoccupied private dwellings	1357	n.a	n.a.
<b>TOTAL</b>	<b>13,095</b>	<b>28,228</b>	<b>2.5</b>

Source: ABS, 2001.

Note:

1. Only those present in occupied dwellings census night are counted, which under-estimates the resident population
2. Shire occupancy rate is for detached houses, townhouses and units.

For the purposes of the CP, the following occupancy rates have been adopted:

- Detached dwellings: 2.6 persons per dwelling
- Medium density dwellings: 2.1 persons per dwelling
- Residential flat units/medium density dwellings:
  - 1 bedroom – 1.4 persons per dwelling
  - 2 bedrooms – 1.7 persons per dwelling
  - 3 bedroom or more – 2.6 persons per dwelling
- Tourist development – 1 person per bed
- Seniors Living SEPP 5 dwellings – 1 person per 1 bedroom dwelling, 1.5 persons per 2 bedroom dwelling, 2 persons per 3 bedroom dwelling.
- Commercial/office space – one employee per 20 square metres of gross floor area.
- Retail space – one employee per 40 square metres of gross floor area.
- Industrial space – one employee per 80 square metres of gross floor space.

#### 4.5.3 Future Population Growth

Byron Council has prepared a number of settlement strategies for the following urban areas:

- Byron Bay, Suffolk Park and Ewingsdale.
- Mullumbimby.
- Brunswick Heads.
- Bangalow.

These strategies were placed on public exhibition in 2000 and have been adopted by Council as the preferred urban form for each of these centres. Within these strategies, Council has adopted a population capacity for each urban area as outlined in Table 4.3. It should be noted that the 2001 population is the normal resident population which is lower than the 2001 census night count (which includes tourists).

Table 4.3: Population Capacity

Location	2001 <sup>1</sup>	Population Capacity <sup>2</sup>	Increase to capacity (No.)	Increase to Capacity (%)
Byron Bay/Suffolk Park	8,453	13,050	4,597	54%
Mullumbimby	3,043	4,800	1,757	57%
Brunswick Heads	1,666	3,250	1,584	77%
Bangalow	1,218	2,300	1,082	95%
Ocean Shores/New Brighton/ South Golden Beach	4,912	6,830	1,918	39%
Rural North	4,809	5,700	891	19%
Rural South	3,695	4,400	705	19%
Total Shire <sup>4</sup>	27,796	40,330	12,534	44%

Source: ABS, 2001, Byron Shire Council, *Byron Shire Community Profile* and *Byron Social Plan 2004*; *Byron Shire Settlement Strategies*

Notes:

1. 2001 population is the estimated resident population excluding visitors. **Excludes** 379 persons who could not state their locality.
2. Population capacity based on current Byron Shire planning policies as outlined in Draft Settlement Strategies.
3. Demography and housing occupancy of population assumed to follow trends identified in the draft Social Plan 2004.

The growth in all urban areas is based on an assumed level of development of current unsubdivided residential land together with increased densities through medium density housing such as dual occupancy and garden flat development in areas where this development is permitted under existing development controls.

The types of development that will occur to house the capacity residential population include detached dwellings, infill development, townhouses and medium density development as well as commercial, retail, tourist and industrial development. For the purposes of this CP, the following breakdown of the residential development based on current demographic trends (refer Table 4.4):

- Detached dwellings – 75% of total new housing stock
- Townhouses, units – 25% of total new housing stock

The spatial distribution of this housing development is shown in Table 4.4. This residential development will create demand for provision or upgrading the following facilities and services:

- Community and cultural facilities
- Open space (structured and unstructured)
- Roads and traffic management facilities
- Car parking facilities
- Cycleways/walkways
- Civic improvements
- Shire support facilities

The extent to which the above residential development will create the demand for each of these facilities and services is outlined in following sections.

Table 4.4: Housing Projections: Population Capacity

Location	2001 Population <sup>1</sup>	Population Capacity	Increase to capacity (No.)	Additional dwelling units to capacity <sup>2</sup>	
				Detached	Town-houses, units
Byron Bay/ Suffolk Park	8,453	13,050	4,597	1326	575
Mullumbimby	3,043	4,800	1,757	507	220
Brunswick Heads	1,666	3,250	1,584	457	198
Bangalow	1,218	2,300	1,082	312	135
Ocean Shores/New Brighton/South Golden Beach	4,912	6,830	1,918	553	240
Rural North	4,809	5,700	891	257	111
Rural South	3,695	4,400	705	203	88
Total Shire	27,796	40,330	12,534	3616	1567

Notes:

1. 2001 population is the estimated resident population excluding visitors. Excludes 379 persons who could not state their locality.
2. Assumes 75% will be detached. Occupancy rates adopted are 2.6 persons per dwelling for detached; 2.0 for townhouses and units

#### 4.5.4 Non-Residential Development

Each of the urban areas and villages in the LGA has commercial centres that provide for the needs of residents and those visiting the area. The main areas of commercial and retail development are:

- **Mullumbimby** – the commercial area is generally bounded by Burringbar, Tincogan, Station and Dalley Streets. The total zoned area within the 3(a) zone is approximately 95,000 square metres.
- **Byron Bay** – the commercial area is generally bounded by Bay, Browning, Tennyson and Jonson Streets while there are shops at Suffolk Park. The total zoned area within the 3(a) zone is approximately 134,000 square metres.
- **Bangalow** – the commercial area stretches along Byron Street. The total zoned area within the 3(a) zone is approximately 30,000 square metres.
- **Brunswick Heads/Ocean Shores** – the commercial area in Brunswick Heads is generally bounded by Mullumbimbi, Park, Tweed and Fingal Streets. In Ocean Shores there is a small shopping centre is located on Orana Road and there are shops in River Street, New Brighton. The total zoned area within the 3(a) zone in these areas is approximately 40,000 square metres.

Industrial estates are located in Byron Bay (zoned area of 43ha), Bangalow (zoned area of 2.6ha), Mullumbimby (zoned area of 10 ha) and Billinudgel (zoned area of 8 ha). Both the commercial and industrial areas have developed generally in line with population growth over the past decade. There are no studies available of the potential for non-residential development in the Byron LGA including commercial, retail and industrial development. However, if a similar “capacity” approach is taken to this form of development, then the existing zoned areas noted above provide an indication of the capacity potential for these forms of development. Table 4.5 below provides this analysis.

Table 4.5: Commercial and Industrial Capacity Figures

	Byron Bay	Mullumbimby	Bangalow	Brunswick Heads/Ocean Shores/SGB	Billinudgel
Existing commercial floorspace <sup>1</sup>	33,500m <sup>2</sup>	23,750 m <sup>2</sup>	7,500 m <sup>2</sup>	10,000 m <sup>2</sup>	NA
Total zoned area <sup>2</sup>	134,000 m <sup>2</sup>	95,000 m <sup>2</sup>	30,000 m <sup>2</sup>	40,000 m <sup>2</sup>	NA
Future additional commercial floorspace <sup>3</sup>	33,500 m <sup>2</sup>	23,750 m <sup>2</sup>	7,500 m <sup>2</sup>	10,000 m <sup>2</sup>	NA
Existing industrial floorspace <sup>4</sup>	43,000 m <sup>2</sup>	10,000 m <sup>2</sup>	2,600 m <sup>2</sup>	NA	8,000 m <sup>2</sup>
Total zoned area <sup>5</sup>	430,000 m <sup>2</sup>	137,000 m <sup>2</sup>	26,000 m <sup>2</sup>	NA	80,000 m <sup>2</sup>
Future additional industrial floorspace <sup>6</sup>	86,000 m <sup>2</sup>	40,000 m <sup>2</sup>	3,400 m <sup>2</sup>	NA	16,000 m <sup>2</sup>

Notes:

1. Existing floorspace based on 25% of existing zoned areas.
2. Zoned areas calculated on actual area only and does not account for 2 or 3 storey development
3. Future floorspace based on 50% yield on existing zoned area and takes into account development potential
4. Existing floorspace based on 10% yield on existing zoned areas
5. Zoned areas includes roads
6. Future floorspace based on 30% yield on existing zoned area
7. The above figures do not commit Council to approval of any particular development.

The capacities for each form of development is based on the potential floorspace yields under existing LEP controls with allowances for on-site car parking, non-productive areas (eg service areas), other forms of development (eg non-commercial development in the town centres) and vacant lots being maintained. Environmental constraints have also been taken into account.

The types of uses that will occur to accommodate these forms of development will include retail shops, small shopping centres, commercial offices and other similar floorspace in all the urban areas of the Shire. Industrial development will be largely confined to the main industrial areas and ad hoc rural industrial development.

For the purposes of this CP, the following breakdown of these forms of development are assumed:

- Retail and commercial floorspace – no more than 25% of the capacity floorspace will occur in the planning period to 2010. This would equate to approximately 20,000 square metres of floorspace spread across the urban areas. The floorspace has been assumed to be spread as follows:
  - 60% of total floorspace will occur in the Byron Bay township (12,000 square metres)
  - 15% of total floorspace will occur in Mullumbimby (3,000 square metres)
  - 15% of total floorspace will occur in Brunswick Heads (3,000 square metres)
  - 10% of total floorspace will occur in Bangalow (1,500 square metres)
  
- Industrial floorspace – no more than 10% of the capacity floorspace will occur in the planning period to 2010. This would equate to approximately 14,500 square metres of floorspace spread across existing industrial areas. The floorspace has been assumed to be spread as follows:
  - 45% of total floorspace will occur in the Byron Bay township (6,525 square metres)
  - 30% of total floorspace will occur in Mullumbimby (4,350 square metres)
  - 15% of total floorspace will occur in Bilinudgel (2,175 square metres)
  - 10% of total floorspace will occur in Bangalow (1,450 square metres)

This non-residential development will create demand for provision or upgrading the following facilities and services:

- Roads and traffic management facilities
- Car parking facilities
- Civic and urban improvements

The extent to which the above development will create the demand for each of these facilities and services is outlined in following sections. With respect to road upgrading, it is recognised that there will be dual purpose trips between residential properties and retail, commercial and industrial development. This has been recognised in the calculation of the levies through a reduction in the overall levy.

#### 4.5.5 Tourism

Tourism in Byron Shire is characterised as seasonal with dramatic increases in the population during the main holiday periods especially the Christmas holidays although there is an increasing high number of tourists throughout the year (Masters, 1998). The duration of visits by tourists both overseas (558 in 1996 census) and internal is unclear, however what is certain is the dramatic increase in population and the trend for these numbers to continue to increase.

Visitor nights increased by 38% in the period 1992-1996 while expenditure increases by 44%. It is understood that the Tourism NSW is to undertake a number of tourism plans for the North Coast region which should provide more contemporary updates of these figures. The Shire continues to attract large numbers of tourists and the range of attractions has increased over the last decade. Visitor expenditure has increased above visits and visitor nights possibly indicating a change in tourist type.

Table 4.6 outlines the projected capacity of existing and future tourism facilities in the Shire. This indicates that there will be a significant increase in tourist facilities (thus numbers) to reach capacity. These figures do not include tourists to the Shire staying with friends/family nor day trippers.

The significant increase in tourist population also has flow on effects. For example, the large increase in effective population numbers in the Shire places pressure on infrastructure such as utilities (water and sewer), roads, open space and community facilities. Council has adopted a user pay approach where demand is generated for new works or services. In terms of Section 94 contribution, the only practical means of achieving this for tourists is the imposition of levies on tourist accommodation (eg motels, cabins) as Section 94 can only be used for a planning purpose (Section 94 cannot, for example, be used as a form of tax). The main issue for the CP is the quantum of the contribution that is levied for tourist facilities.

**Table 4.6: Tourism Capacity**

Location	Existing Peak Capacity	Total Peak Capacity	Increase (%)
Byron Bay	7584	12995	71
Suffolk Park	1436	2553	78
Brunswick Heads	1366	2015	48
Other areas	1024	1024	0
Total Shire <sup>5</sup>	11410	18587	63

Source: Abnett Consulting, 1999

There has been a considerable increase in the number of tourist beds in the LGA. Byron Council records indicate that the increase in the last 5 years has been in the order of 300 beds although this has been affected by the moratorium. It is assumed that a similar number of beds will be created in the next 5 years. For the purposes of the CP, motel and other tourist accommodation are assumed to accommodate 1 person per bed.

#### 4.6 Outline of Strategy Plans

The following Strategy Plans have been prepared by the Council to address the anticipated development in the LGA. It is based on an assessment of the expected types of new development in the LGA and the demands for public amenities and public services that are generated by these types of development as discussed above.

Where relevant, demand generated by new types of development is apportioned between that new development and existing local demand. Where demands for public amenities and public services are generated solely by the new development no apportionment is adopted.

#### 4.7 Community and Cultural Strategy Plan

##### 4.7.1 Nexus

The determination of nexus for new community and cultural facilities in the Shire requires consideration of the following:

- Population and housing projections
- Age distribution and existing and incoming population
- Assessment of level of capacity of existing community, human and cultural facilities
- Analysis of types of community facilities required for incoming population.

A major resource in establishing nexus is the existing *Byron Council Section 94 Contributions Plan – 2001-2006*, the *Byron Social Plan* and draft *Byron Social Plan 2004* as well as the results of community consultation undertaken by Council. Each step in the establishment of a contribution rate and the proposed apportionment considers the relevant key components as follows:

- Demand projections based on expressed demand of existing population (community consultation) together with the use of on accepted approaches to community facility demand.
- The use of standards for provision of facilities used in two ways:
  - where currently considered appropriate by the Department of Community Services or other recognised agency; and
  - where specific demand information is not available, standards are used as a proxy indicator.
- Existing provision: using current facility provision as a key element in establishing future requirement models.
- Demographics: projection of population increase/decrease and anticipated community profile to establish expected demand.
- Accessibility: based on travel times around and within the LGA.
- Costs: anticipated expenditure based on existing capital costs and appropriate indexing to maintain the total value of the works.
- Works to be completed/funds to be collected: outstanding works and/or funds to be collected from previous Plans that are brought forward to the new plan.

This approach to the provision of community and cultural facilities allows demand to be identified in a transparent manner and ensures that the appropriate apportionment rates are established.

#### 4.7.2 Needs and Demands

Baseline community facilities are those which are considered to be the minimum level of local services to which new residents require access. Local baseline facilities differ by area, however, the following are generally considered to be local baseline services that should be accessible to residents (Department of Planning, 1990, Liverpool Council, 1999):

- Local community centre
- Child care service
- Community nurse
- Open space

These facilities are basic community needs and may be provided by government or the private sector. Where the service is not directly provided reasonable access to the service should be provided. Higher order facilities are also typically provided in larger towns and often include those services outlined in Table 4.7.

These threshold facilities will be provided where demand dictates or where the population reaches a certain size (threshold) that will support a facility/service. It is important to recognise that baseline and threshold facilities cannot be provided in every urban centre as this would result in duplication of services and costs being diverted from provision of other important services. It is also noted that the Council will not be responsible for all of these services. However, those services that Council will provide will complement the variety of services and facilities provided by other level of government and the private sector. It is those facilities that are provided by the Council to cater to future demand that are will be include din this CP.

Table 4.7: Typical Human Service Requirements

<b>CHILDREN'S SERVICES</b>	<b>YOUTH SERVICES</b>	<b>MIGRANT SERVICES</b>
Long Day Care Preschool Occasional Care Family Day Care Playgroups Disabled Children's Services Before/After School Care Vacation Care Holiday Programs Other eg. toy library, baby sitting co-ops etc.	Youth worker Youth centre Targeted programs, eg. health, law, counselling etc.	Migrant worker Multicultural information & Services Translator service
	<b>AGED/DISABLED SERVICES</b>	<b>EMERGENCY SERVICES</b>
	Specific worker & programs Accom. eg. aged units Meals on Wheels Home Care Special Transport	Policy Ambulance NSW Fire Brigade Rural Fire Service State Emergency Services
<b>RECREATION</b>	<b>EDUCATION</b>	<b>HEALTH</b>
Neighbourhood parks Range of sports fields Netball courts, tennis courts Bicycle facilities Pedestrian facilities District Open Space Subregional Open Space Indoor Sports Centre Indoor Heated Pool Specific facility for groups	Primary-private & public Secondary-private & public TAFE Adult Education University outreach Special eg. migrant etc.	Early Childhood service Community Health Centre Doctor Community Nurse Medical specialists eg. dentist, chiropractor etc. Day care centre for aged etc. Hospital public & private Medical centre-private
<b>GENERAL COMMUNITY</b>	<b>RELIGIOUS</b>	<b>WELFARE SERVICES</b>
Neighbourhood centres Civic auditorium Meeting rooms/offices for Community groups Special facilities eg. youth, aged etc. Arts & Crafts centre Arts programs/workers Theatre Cinema Club-licensed & unlicensed Library Information services Community workers Community development programs eg. festivals etc.	Churches Associated services	Refuges eg. women, men, Youth Family support-community aid agencies & counselling Legal aid services
	<b>TRANSPORT</b>	<b>GOVERNMENT OFFICES</b>
	Bus and rail Bicycle Taxi Community Bus	Social Security Community Services Post Office Telstra Medicare Employment Service

The towns of Mullumbimby and Byron Bay provided higher level services while the smaller towns provided a baseline facilities supported by the higher order centres where threshold facilities are provided. This is seen as a logical and acceptable approach to the provision of human and cultural services by the Council.

#### 4.7.3 Supply vs Demand

An assessment has been made of the existing level of community and cultural facilities in the Shire and in each catchment and urban area. The assessment of supply versus the demand created for additional community and cultural facilities has been carried out through assessment of the demands created by the incoming population (including tourist uses).

Population growth will create demand for the following community and cultural facilities:

- Children's services and facilities (long day care, occasional care, playgroups, pre-schools, toy library)
- Youth services and facilities
- Senior services and facilities
- Community Hall/Centres
- Library services and facilities

The following outlines the level of provision required for the incoming population for each of these facilities and services.

#### 4.7.4 Community and Cultural Facilities Plan

The proposed works program for Community and Cultural Facilities is outlined in Table 4.8. The facilities plan includes the types of facilities identified above. The approach taken in the Plan is to maintain the existing per capita levels of provision of these facilities.

To maintain provision of facilities at present levels, additional services and facilities are required as set out in the Accompanying Report for each of the urban centres. The costs for these facilities are shown in Table 4.9 while the following provides an outline of the costs and apportionment where required:

- **Children's Services:** Facilities proposed in the previous CPs for Byron Bay, Brunswick Heads, Suffolk Park, Mullumbimby and Ocean Shores are transferred to this CP with an updated cost as Council intends to recoup the costs of facilities provided ahead of demand. Child care places (7) are provided for in Bangalow as part of the facility that the local community is to fund.
- **Youth Services:** Youth services will be provided through the embellishment of existing facilities rather than the construction of new facilities. Where facilities remain to be constructed or funds have been collected for embellishment, they are transferred to this CP with an updated cost.
- **Seniors Services:** Seniors services are proposed to be provided through the embellishment of existing facilities rather than the construction of new facilities.
- **Community Spaces:** Community spaces (such as community facilities) are proposed to be upgraded through embellishment to provide for identified needs. Upgraded facilities include those in Byron Bay, Mullumbimby, Brunswick Heads, Ocean Shores and Bangalow
- **Library Resources:** To maintain provision of book ratios at the current level would require around 6,800 library resources (books, CDs) to be shared between the three branch libraries. Upgrading each library to accommodate these books (floorspace, shelving, cataloguing) is also required.

The Mullumbimby Library has moved into the Council's administrative centre while the upgrade of the Bangalow library will require additional shelf space and floorspace. There is also a need to significantly upgrade the Byron Bay library so it is able to perform a shire wide function. At present none of the existing libraries provide a true Branch Library and the total population of almost 40,000 persons demands such a facility. This will require a significant redevelopment of the library (a new site is likely to be required) rather than embellishment of the existing library.

#### 4.7.5 Program Costs

The total cost for the above works program is set out in Table 4.9. These costs have been based on the development of the facilities outlined in the program and have been costed by Council using Rawlinsons cost guide. The program includes works brought forward under the previous CP's.

Table 4.8: Community and Cultural Facilities Strategy

Location	Children	Youth	Seniors	Non-mainstream groups	Community Centres and Spaces	Library resources
Byron Bay	<p>Current rate of provision for Byron Bay/Suffolk Park is 1:7.4 children which indicates provision ahead of demand.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Maintain existing levels of provision and recoup funds for existing facilities</li> </ul>	<p>Current rate of provision for Byron Bay/Suffolk Park below the DOCs standards indicating a current need.</p> <p>The incoming population will create additional demand for youth services.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Complete youth services project</li> </ul>	<p>There is currently 1 senior's facility in the Shire located at Byron Bay although other community centres provide some services for seniors.</p> <p>Provide for expressed needs for improved walkways.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish existing community centre to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)</li> </ul>	<p>Services/facilities provided by Council cater to needs.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Continue to provide diverse services within community centre.</li> </ul>	<p>Provide for target group needs through improved community centre facilities.</p> <p>Provide for expressed needs for improved community spaces.</p> <p>Utilise existing facilities rather than build new facilities (Sandhills).</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Existing community centre to be embellished/ / improved in conjunction with community groups</li> <li>Provide additional walkways.</li> <li>Improve street lighting and furniture.</li> </ul>	<p>Additional population requires improved library resources.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Byron library redevelopment.</li> </ul>
Suffolk Park	<p>Pre-school still required for area and facility in existing CP can be expanded to account for future growth.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Transfer proposed to CP. Updated cost to provide additional capacity for future</li> </ul>	<p>Limited potential to provide facility in area. Byron facility will cater to need in addition to existing community centre.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Incorporate youth services within proposed community</li> </ul>	<p>Seniors facility in Byron Bay will cater to needs with improvements.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish existing Byron Bay community centre to provide for needs. Provide additional walkways in</li> </ul>	<p>Services/facilities provided by Council cater to needs.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Continue to provide diverse services within community centre.</li> </ul>	<p>Provide for target group needs in conjunction with facilities in Byron Bay.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Existing Byron community centre to be embellished/ / improved in conjunction with</li> </ul>	<p>Library resources in Byron Bay to provide for needs</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Byron library redevelopment.</li> </ul>

Location	Children	Youth	Seniors	Non-mainstream groups	Community Centres and Spaces	Library resources
	demand	<p>centre</p> <ul style="list-style-type: none"> <li>Existing community spaces (Alcorn Street and Broken Head Hall) provide some space.</li> </ul>	urban areas (See also Community Centres and Spaces)		<p>community groups</p> <ul style="list-style-type: none"> <li>Provide additional walkways.</li> <li>Improve street lighting and furniture.</li> </ul>	
<b>Mullumbimby</b>	<p>Upgrading of pre-school still required for area and facility in existing CP can be expanded to account for future growth.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Transfer proposed works to CP. Updated cost to provide additional capacity for future demand</li> </ul>	<p>Youth centre can be combined with other facilities.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Incorporate youth services within another facility at former civic centre</li> </ul>	<p>No facility required at present. Provide for senior needs at community centre and improve other facilities.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish community centre to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)</li> </ul>	<p>Services/facilities provided by Council cater to needs.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Continue to provide diverse services within community centre.</li> </ul>	<p>Growth will require additional facilities. Existing community facilities require upgrading to cater to existing and future needs. Access improvements also required. Lack of public toilets.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Incorporate facilities within Mullumbimby Civic Hall. Upgrade Neighbourhood Centre to provide meeting rooms.</li> </ul>	<p>Library resources need upgrading to cater to needs.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Provide fit out costs for when library moves</li> </ul>
<b>Brunswick Heads</b>	<p>Recently constructed pre-school provides for future demand.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Recoup costs fro pre-school from future population.</li> </ul>	<p>Low demand for stand-alone facility although existing and future needs can be provided in combination with another facility.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Incorporate youth services within another facility at former civic centre</li> </ul>	<p>No facility required at present. Provide for senior needs at community centre and improve other facilities.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish community centre to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)</li> </ul>	<p>Services/facilities provided by Council cater to needs.</p> <p><b>Strategy Plan:</b></p> <p>Continue to provide diverse services within community centre.</p>	<p>Provide for target group needs through improved community centre facilities.</p> <p>Provide for expressed needs for improved community spaces.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Existing community centre to be embellished/ / improved in conjunction with</li> </ul>	<p>Demand for upgrade of library</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Brunswick Heads library improvement.</li> </ul>

Location	Children	Youth	Seniors	Non-mainstream groups	Community Centres and Spaces	Library resources
					community groups <ul style="list-style-type: none"> <li>• Provide additional walkways.</li> </ul>	
<b>Bangalow</b>	Provision of child care places as part of community centre development or as component of community provided facility	Stand alone youth centre not justified although some services required.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Incorporate youth services within community centre facility</li> </ul>	No facility required at present. Provide for senior needs at community centre and improve other facilities.  <b>Strategy Plan:</b>  Embellish community centre (A&I Hall) to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)	Services/facilities provided by Council cater to needs.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Provide diverse services within community centre.</li> </ul>	Provide for target group needs.  Provide for expressed needs for improved community spaces.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Embellish community centre</li> <li>• Provide additional walkways.</li> </ul>	Library facilities at Brunswick Heads and Byron Bay to cater to needs  <b>Strategy Plan:</b>  Utilise existing library facilities at Brunswick Heads and Byron Bay
<b>Ocean Shores/ New Brighton / South Golden Beach</b>	Pre-school at South Ocean Shores still required.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Transfer proposed works to CP. Updated cost to provide additional capacity for future demand</li> </ul>	Low demand for stand-alone facility although existing and future needs can be provided in combination with another facility.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Incorporate youth services within existing community centre</li> </ul>	No facility required at present. Provide for senior needs at community centre and improve other facilities.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Embellish community centre to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)</li> </ul>	Services/facilities provided by Council cater to needs.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Continue to provide diverse services within community centre.</li> </ul>	Embellishment of the existing community centre facilities will cater to existing and future needs.  Provide for expressed needs for improved community spaces.  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Embellish community centre</li> <li>• Provide additional walkways.</li> </ul>	Library facilities at Brunswick Heads and Byron Bay to cater to needs  <b>Strategy Plan:</b> <ul style="list-style-type: none"> <li>• Utilise existing library facilities at Brunswick Heads and Byron Bay</li> </ul>

Table 4.9: Community and Cultural Facilities Strategy: Works Program

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay</b>						
<b>1993 Works brought forward</b>						
	Community centre	2,557,116	21%	536,994	2,020,122	
	Youth / Sports centre	2,556,507	21%	536,866	2,019,641	
	Child care centre	450,000	21%	94,500	355,500	
	<b>Sub-total</b>	<b>5,563,623</b>		<b>1,168,361</b>	<b>4,395,262</b>	<b>458,842</b>
<b>New works</b>						
	Library resources	3,190,400	45%	1,435,680	1,754,720	
	Embellish community centre	871,900	100%	871,900	0	
	<b>Sub-total</b>	<b>4,062,300</b>		<b>2,307,580</b>	<b>1,754,720</b>	<b>2,307,580</b>
<b>Suffolk Park</b>						
<b>1993 Works brought forward</b>						
	Pre-School	640,200	20%	128,040	512,160	
	<b>Sub-total</b>	<b>640,200</b>		<b>128,040</b>	<b>512,160</b>	<b>16,437</b>
<b>New works</b>						
	Upgrade child care centre	461,600	100%	461,600	0	
	Embellish Broken Head hall	153,900	100%	153,900	0	
	<b>Sub-total</b>	<b>615,500</b>		<b>615,500</b>	<b>0</b>	<b>615,500</b>
<b>Mullumbimby</b>						
<b>1993 Works brought forward</b>						
	Youth Centre	871,800	16%	139,488	732,312	
	Pre-School Upgrade	135,900	100%	135,900	0	
	<b>Sub-total</b>	<b>1,007,700</b>		<b>275,388</b>	<b>732,312</b>	<b>153,359</b>
<b>New works</b>						
	Library resources	436,000	100%	436,000	0	
	Upgrade community facilities	461,600	100%	461,600	0	
	<b>Sub-total</b>	<b>897,600</b>		<b>897,600</b>	<b>0</b>	<b>897,600</b>
<b>Brunswick Heads</b>						
<b>1993 Works brought forward</b>						
	Pre-School	210,000	100%	210,000	0	
	<b>Sub-total</b>	<b>210,000</b>		<b>210,000</b>	<b>0</b>	<b>199,057</b>
<b>New works</b>						
	Library resources	256,400	100%	256,400	0	
	Upgrade community centre	333,400	100%	333,400	0	
	<b>Sub-total</b>	<b>589,800</b>		<b>589,800</b>	<b>0</b>	<b>589,800</b>

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Bangalow</b>						
New works						
	Upgrade Heritage house	205,200	85%	174,420	30,780	
	Embellish community centre	282,100	85%	239,785	42,315	
	Sub-total	487,300		414,205	73,095	414,205
<b>Ocean Shores/New Brighton/SGB</b>						
1993 Works brought forward						
	Community Centre	1,185,994	26%	308,358	877,636	
	Pre-school	534,900	100%	534,900	0	
	Sub-total	1,720,894		843,258	877,636	742,109
New works						
	Upgrade community centre	359,000	100%	359,000	0	
	Sub-total	359,000		359,000	0	359,000
<b>Rural Areas/Villages</b>						
New works						
	Upgrade rural community facilities	410,300	100%	410,300	0	
	Sub-total	410,300		410,300	0	410,300
<b>TOTAL PROGRAM</b>		<b>16,564,217</b>		<b>8,219,032</b>	<b>8,345,185</b>	<b>7,163,790</b>

#### 4.7.6 Apportionment of Works

The existing community facilities are adequate for the incoming population. While some works have been undertaken in anticipation of future population growth (and existing residents), there are a number of works to be provided in the future.

Where the incoming population has solely created the demand for the works, there will be no apportionment of costs. The rationale is that the future residents will utilise the existing community and cultural facilities and resources as well as creating a need for new works. The proposed increase in these facilities and resources will not increase the per capita provision. Consequently, there will be no apportionment for these facilities. Where there is a community benefit from the creation of new facilities where an existing deficiency exists (eg Bangalow community centre) an apportionment rate is adopted to ensure only that that proportion of the facility required by the future population is levied.

There is no spare capacity in existing facilities to provide for future population growth and no apportionment is adopted for future works except in the following circumstances:

- Community centre in Bangalow – the population will double to reach the ultimate capacity, however, the existing community centre is deficient and Council will need to fund this deficiency. The existing population will account for 49% of the total population, therefore 51% of the costs will be borne by future residents.
- Libraries – the Byron Bay library is deficient and population and tourist growth will increase 30%. Thus, only 30% of the total costs of the facilities will be borne by future growth of this major facility.

#### 4.7.7 Contributions

The contribution for community and cultural facilities is made up of a local facility contribution and a shire-wide facility contribution. The formula for both of the contributions is as follows:

$$\text{Community Facilities} = \frac{C + E}{P}$$

Where:  
 C – proportion of the capital cost of the community facilities (apportioned cost).  
 E – outstanding contributions for the facilities  
 P – the estimated population increase to reach capacity (including tourist numbers)

Table 4.10: Contributions – Community and Cultural Facilities

Catchment	Contribution (Shire Wide)	Contribution (Local)	Total (per person)
Byron Bay / Suffolk Park	201.57	360.24	561.81
Mullumbimby	201.57	345.09	546.66
Brunswick Heads	201.57	330.92	532.49
Bangalow	201.57	374.17	575.73
Ocean Shores / New Brighton / SGB	201.57	566.71	768.27
Rural North	201.57	223.96	425.52
Rural South	201.57	281.03	482.60

Local contributions are based on the proposed works divided by the incoming population. The shire and local contributions are set out in Table 4.10. The contribution will be sought for the following types of development that generates demand for new or enhanced community and cultural facilities:

- Residential development of all types.
- Commercial development that involves the accommodation of persons on a temporary or permanent basis (eg tourist accommodation facilities, cabins, hotels, motels, caravan parks).

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures.

It has been established that development that does not impose demands on community and cultural facilities (viz commercial/retail development, industrial development, quarries) will not be subject of a levy for these facilities.

#### 4.8 Open Space and Leisure Facilities

##### 4.8.1 Nexus

The link between the expected types of development in the area and the need for additional open space facilities required to meet that need is based upon:

- Demographics of projected incoming population
- Age distribution and existing and incoming population
- Community consultation and needs assessments
- Needs of major target groups
- Assessment of level of capacity of existing open space and leisure facilities
- Analysis of types of open space and leisure facilities required for incoming population.

A major resource in establishing nexus is the existing *Byron Council Section 94 Contributions Plan – 2001-2006 the Outdoor Recreation and Open Space Planning Guidelines for Local Government* (Department of Urban Affairs and Planning) as well as the results of community consultation and assessment of needs undertaken..

The establishment of a contribution rate and the proposed apportionment considers the relevant key components as follows:

- Demand projections based on expressed demand of existing population (community consultation) or, where unavailable, on accepted broad trends in recreational demand.
- Standards-used in two ways:
  - where currently considered appropriate by the Department of Urban Affairs and Planning; and
  - where demand information is not available.
- Existing provision: using current reserves and basic facility provision as a key element in establishing future requirement models.
- Demographics: projection of population increase/decrease and anticipated community profile to establish expected demand.
- Accessibility: based on travel times around and within the LGA.
- Costs: anticipated expenditure based on existing capital costs and appropriate indexing to maintain the total value of the works.
- Works to be completed/funds to be collected: outstanding works and/or funds to be collected from previous Plans that are brought forward to the new plan.

The following outlines the level of provision required for the incoming population for each of these facilities and services.

##### 4.8.2 Needs and Demands

An analysis of recreation demand in the Byron area indicates the following general needs:

- The aging of the population will suppress demand for more active pastimes that are traditionally associated with young participants. Informal activities, particularly walking and driving for pleasure, walking the dog, fishing and picnics/bbq's are expected to be more popular than more structured activities such as organised sports.

- Of structured activities, the national data suggests that the highest participation growth is expected in swimming, aerobics and golf.
- Informal and unstructured use of parks and reserves will assume greater importance with a wider sector of the community.
- Organised sports will continue to be important although only for a proportion of the community.
- Swimming will be a primary activity participated in by those using developed facilities.
- Indoor activities (aerobics, gym based-training, basketball, indoor cricket) are estimated to have lower participation rates although these sports are popular.

Arising from this analysis, Table 4.11 outlines the major needs of various target groups for open space and leisure facilities.

Table 4.11: Major Needs of Target Groups (Baseline Facilities)

Group	Major needs	Typical Facilities	Leisure Activities
Children (0-12 years)	<ul style="list-style-type: none"> <li>• Small parks within walking distance of home with play equipment</li> <li>• Formal playing fields</li> <li>• Areas for informal sporting activities</li> <li>• Corridors linking open spaces</li> <li>• Large natural and parkland areas</li> </ul>	Parks/playgrounds Cricket/football ground Tennis Bicycle paths Swimming facilities	Walking for pleasure Visiting friends Going to movies Going to beach
Youth (13-19 years)	<ul style="list-style-type: none"> <li>• Formal playing fields</li> <li>• Areas for informal sporting and leisure activities</li> <li>• Large natural and parkland areas</li> </ul>	Cricket/football Tennis Swimming facilities Skateboard park Indoor facilities	Walking for pleasure Jogging Visiting friends Going to beach Going to clubs/movies
Adults (20-60 years)	<ul style="list-style-type: none"> <li>• Formal playing fields</li> <li>• Areas for informal sporting activities</li> <li>• Large natural and parkland areas</li> </ul>	Cricket/football Tennis Swimming facilities Indoor facilities Golf facilities	Walking for pleasure Playing active sports Jogging Going to gym
Seniors (60+)	<ul style="list-style-type: none"> <li>• Walking paths</li> <li>• Areas for informal sporting activities</li> <li>• Large natural and parkland areas</li> </ul>	Tennis Swimming facilities Bowling greens Golf facilities	Walking for pleasure Playing tennis/golf
Other Groups (Indigenous, migrants)	<ul style="list-style-type: none"> <li>• Walking paths</li> <li>• Areas for informal sporting activities</li> <li>• Large natural and parkland areas</li> </ul>	Range of facilities	Range of activities

#### 4.8.3 Supply vs Demand

An assessment has been made of the existing level of open space and leisure facilities in the Shire and in each catchment and urban area. The assessment of supply versus the demand created for additional open space and leisure facilities has been carried out through assessment of the demands created by the incoming population. Population growth will create demand for the following open space and leisure facilities:

- Local open space (playgrounds, informal open space)
- District/structured open space (sports grounds, basketball courts, tennis courts, environment open space such as major bushland, etc)

The philosophy adopted in the Plan is to maintain the existing *standard* of open space and leisure facilities in the Shire. The emphasis will be more on improvement and embellishment where local open space is well provided to increase carrying capacity, and provision of new open space where the need exists.

The Council does not wish to acquire additional land beyond that identified in previous CP's (eg the 2001-2006 Plan). However, as a result of population growth the per capita rate of provision of open space will decline and this would lead to a diminution of the existing standard of open space. To counter this drop in standards, the Council will place an emphasis in this plan of embellishing existing reserves rather than accumulating additional open space areas. This will allow the carrying capacity of existing open space to be increase so that the existing population's standards will not be diminished. This will lead in some cases of a larger allocation of funds for embellishment rather than acquisition.

#### 4.8.4 Program Costs and Apportionment of Works

The total cost for the works program is set out in Table 4.12. The existing open space and leisure facilities are adequate for the incoming population. Where the incoming population has solely created the demand for the works, there will be no apportionment of costs.

The proposed increase in open space and leisure facilities will not increase the per capita provision and there is no spare capacity in existing facilities to provide for future population growth. Consequently, there will be no apportionment for these facilities and incoming residents will be responsible for the future works. There will be no additional community benefit from the creation of new facilities as existing residents will utilise existing facilities and services as well as new facilities.

#### 4.8.5 Contribution Calculations

The contribution for open space and leisure facilities is made up of a local facility contribution and a shire-wide facility contribution. The formula for both of the contributions is set out below.

$$\text{Contribution} = \frac{C_{LR} + E}{R_{ESC}}$$

Where:

- $C_{LR}$  – is the cost of open space facilities attributed to that catchment or the shire;
- $E$  – is the outstanding contributions for facilities brought forward;
- $R_{ESC}$  – is the number of residents/tourists in that catchment;

Local contributions are based on the proposed works divided by the incoming population. The shire and local contributions are set out in Table 4.13.

Table 4.12: Open Space Facilities Strategy: Works Program

Centre	Works	Total Works Program (Indexed for 30/6/04)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	1,087,835	100%	1,087,835	0	
	Community parks	2,251,460	100%	2,251,460	0	
	Informal Open Space - Acquisition	1,198,500	100%	1,198,500	0	
	<b>Sub-total</b>	<b>4,537,795</b>		<b>4,537,795</b>	<b>0</b>	<b>2,661,079</b>
Structured	Embellishment	1,118,697	17%	190,178	928,519	
	<b>Sub-total</b>	<b>1,118,697</b>		<b>190,178</b>	<b>928,519</b>	<b>-235,938</b>
<b>New works</b>						
Local	Local parks	1,641,200	100%	1,641,200	0	
	Embellish existing parks	1,230,900	100%	1,230,900	0	
	Land acquisition	3,538,900	100%	3,538,900	0	
	<b>Sub-total</b>	<b>6,411,000</b>		<b>6,411,000</b>	<b>0</b>	<b>6,411,000</b>
District/Structured	Acquisition/embellishment	1,775,500	100%	1,775,500	0	
	District park	769,300	100%	769,300	0	
	<b>Sub-total</b>	<b>7,417,200</b>		<b>7,417,200</b>	<b>0</b>	<b>7,417,200</b>
<b>Suffolk Park</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	96,591	100%	96,591	0	
	Community parks	1,109,100	100%	1,109,100	0	
	Informal Open Space - Acquisition	66,900	100%	66,900	0	
	<b>Sub-total</b>	<b>1,272,591</b>		<b>1,272,591</b>	<b>0</b>	<b>596,998</b>
Structured	Acquisition/embellishment	554,500	49%	271,705	282,795	
	<b>Sub-total</b>	<b>554,500</b>		<b>271,705</b>	<b>282,795</b>	<b>-19,636</b>
<b>New works</b>						
Local	Embellishment	974,500	100%	974,500	0	
	<b>Sub-total</b>	<b>974,500</b>		<b>974,500</b>	<b>0</b>	<b>974,500</b>
District/Structured	Acquisition/embellishment	666,700	100%	666,700	0	
	District park	461,600	100%	461,600	0	
	<b>Sub-total</b>	<b>1,128,300</b>		<b>1,128,300</b>	<b>0</b>	<b>1,128,300</b>
<b>Mullumbimby</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	125,500	100%	125,500	0	

Centre	Works	Total Works Program (Indexed for 30/6/04)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
	Community parks	462,100	100%	462,100	0	
	<b>Sub-total</b>	<b>587,600</b>		<b>587,600</b>	<b>0</b>	<b>419,834</b>
Structured	Acquisition/embellishment	1,433,218	100%	1,433,218	0	
	<b>Sub-total</b>	<b>1,433,218</b>		<b>1,433,218</b>	<b>0</b>	<b>855,237</b>
<b>New works</b>						
Local	Local parks embellishment	256,400	100%	256,400	0	
	Embellish existing parks	153,900	100%	153,900	0	
	Land acquisition	820,600	100%	820,600	0	
	<b>Sub-total</b>	<b>1,230,900</b>		<b>1,230,900</b>	<b>0</b>	<b>1,230,900</b>
District/Structured	Acquisition/embellishment	615,500	100%	615,500	0	
	Embellishment - existing	256,400	100%	256,400	0	
	<b>Sub-total</b>	<b>871,900</b>		<b>871,900</b>	<b>0</b>	<b>871,900</b>
<b>Brunswick Heads</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	381,600	100%	381,600	0	
	Community parks	1,429,200	100%	1,429,200	0	
	<b>Sub-total</b>	<b>1,810,800</b>		<b>1,810,800</b>	<b>0</b>	<b>1,767,534</b>
<b>New works</b>						
Local	Embellishment	482,100	100%	482,100	0	
	<b>Sub-total</b>	<b>482,100</b>		<b>482,100</b>	<b>0</b>	<b>482,100</b>
District/Structured	District park	410,300	100%	410,300	0	
	Embellishment	256,400	100%	256,400	0	
	<b>Sub-total</b>	<b>666,700</b>		<b>666,700</b>	<b>0</b>	<b>666,700</b>
<b>Bangalow</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	39,812	100%	39,812	0	
	Community parks	105,769	23%	24,327	81,442	
	Informal Open Space - Land	244,600	100%	244,600	0	
	<b>Sub-total</b>	<b>390,181</b>		<b>308,739</b>	<b>81,442</b>	<b>-37,735</b>
<b>New works</b>						
	Local parks	256,400	100%	256,400	0	
Local	Land acquisition	820,600	100%	820,600	0	
	<b>Sub-total</b>	<b>1,077,000</b>		<b>1,077,000</b>	<b>0</b>	<b>1,077,000</b>
District/Structured	Acquisition/embellishment	792,589	100%	792,589	0	

Centre	Works	Total Works Program (Indexed for 30/6/04)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
	Embellishment	179,500	100%	179,500	0	
	<b>Sub-total</b>	<b>972,089</b>		<b>972,089</b>	<b>0</b>	<b>972,089</b>
<b>Ocean Shores/New Brighton/SGB</b>						
<b>1993 Works brought forward</b>						
Local	Local parks	232,800	100%	232,800	0	
	Community parks	546,500	100%	546,500	0	
	Informal Open Space - Land	153,500	100%	153,500	0	
	<b>Sub-total</b>	<b>932,800</b>		<b>932,800</b>	<b>0</b>	<b>712,349</b>
Structured	Acquisition/embellishment	1,196,965	26%	311,211	885,754	
	<b>Sub-total</b>	<b>1,196,965</b>		<b>311,211</b>	<b>885,754</b>	<b>149,988</b>
<b>New works</b>						
Local	Local parks	1,538,600	100%	1,538,600	0	
	Land acquisition	871,900	100%	871,900	0	
	<b>Sub-total</b>	<b>2,410,500</b>		<b>2,410,500</b>	<b>0</b>	<b>2,410,500</b>
District/Structured	Embellishment	666,700	100%	666,700	0	
	<b>Sub-total</b>	<b>666,700</b>		<b>666,700</b>	<b>0</b>	<b>666,700</b>
<b>Rural Areas and Villages</b>						
<b>New works</b>						
Local - Rural North	Embellishment	256,400	100%	256,400	0	
	<b>Sub-total</b>	<b>256,400</b>		<b>256,400</b>	<b>0</b>	<b>256,400</b>
Local - Rural South	Embellishment	169,300	100%	169,300	0	
	<b>Sub-total</b>	<b>169,300</b>		<b>169,300</b>	<b>0</b>	<b>169,300</b>
<b>TOTAL PROGRAM</b>		<b>38,569,736</b>		<b>36,391,227</b>	<b>2,178,509</b>	<b>31,604,299</b>

Table 4.13: Contributions – Open Space and Leisure Facilities

Catchment	Contribution (Shire Wide)	Contribution (Local)	Total
Byron Bay / Suffolk Park	971.84	2,242.17	3,214.01
Mullumbimby	971.84	926.34	1,898.17
Brunswick Heads	971.84	1,398.16	2,369.99
Bangalow	971.84	938.81	1,910.65
Ocean Shores / New Brighton / SGB	971.84	1,607.23	2,579.08
Rural North	971.84	279.91	1,251.76
Rural South	971.84	231.93	1,203.76

The contribution will be sought for the following types of development that generates demand for new or enhanced open space:

- Residential development of all types.
- Commercial development that involves the accommodation of persons on a temporary or permanent basis (eg tourist accommodation facilities, cabins, hotels, motels, caravan parks).

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures.

It has been established that development that does not impose demands on open space facilities will not be subject of a levy for these facilities.

#### 4.9 Traffic, Parking and Movement Systems

##### 4.9.1 Nexus

The link between the expected types of development in the area and the need for additional traffic, parking and movement systems required to meet that need is based upon:

- The total projected incoming population
- The spatial distribution of this incoming population
- Community consultation and needs assessments
- Road traffic generation
- Assessment of level of capacity of existing roads, car parking and bikeway facilities
- Analysis of the types of facilities required for incoming population.

A major resource in establishing nexus is the existing *Byron Council Section 94 Contributions Plan – 2001-2006*, various documents produced by the NSW Roads and Traffic Authority as well as the results of community consultation and assessment of needs undertaken as part of this review.

##### 4.9.2 Establishing Demand for Facilities

The establishment of demand for traffic, parking and movement systems is based upon the overall needs of the incoming population. Byron Shire does not have a well developed public transport system and urban centres are dispersed. This results in a high dependence on private vehicles.

There are also a series of bikeways through many towns and these are often subject to high levels of use as an alternative to private/public transport.

Determination of demand for private vehicle use is relatively straightforward. The NSW Roads and Traffic Authority publication *Guide to Traffic Generating Development* provides information on traffic generating development that can be used to assess the projected traffic impact on new population

increase. Section 2.0 discussed population growth and spatial distribution in detail and this has been used in the following assessment of roads upgrading needs and contributions.

#### 4.9.3 Historical Traffic Growth

Traffic counts on the majority of the main shire roads in Byron have been carried out since 1992 by Byron Shire Council. All of these roads are the responsibility of Byron Shire Council. The average growth since 1992 was between 3-4% per annum which correlates closely with the increase in population.

The road network in Byron has generally experienced a variable level of traffic growth over the last 10 years which has largely mirrored the spatial growth of population. All urban areas have experienced significant population growth with the exception of Mullumbimby, Bangalow and Brunswick Heads where growth has been more modest.

An analysis of the roads system indicate the following:

- On a regional scale, improvements were required to the main road system. This is the responsibility of the NSW Roads and Traffic Authority. By-passes have been constructed around the towns of Bangalow and Brunswick Heads, improvements have been completed on the Pacific Highway from Coopers Shoot to Tyagarah Road while further upgrading of the highway is north of Tyagarah Road is anticipated to be completed by 2002. While these state road works have improved the road safety these, and other improvements to the north (completed and proposed), have increased the accessibility of the Shire to the northern NSW and southern Queensland. This is likely to lead to increased tourism and tourist traffic.
- On a local scale, the improvements to the Pacific Highway at Ewingsdale have relieved traffic congestion on the Ewingsdale Road intersection.
- A number of local, sub-arterial and collector roads were identified as in need of improvement due to the population growth identified in various Byron Council *Settlement Strategies*.
- The need for the Byron Bypass was identified and confirmed as providing alternative routes around Byron Town Centre to provide access to the south. These works included links from the by-pass. This system would obviate the need for major road works within the town centre precinct although traffic management measures are still required to deal with existing and future traffic.

Work undertaken on the Byron Bay by-pass (*Byron By-pass EIS* and *Byron Traffic Impact Study*) provides some information on travel demands in and around the Byron Bay township. This work, together with an assessment of past growth and discussions with Council officers, provides the basis for assessment of traffic needs for the life of the CP.

The volume and characteristics of traffic growth and demand is directly related to land use. Manuals such as the *RTA Guide to Traffic Generating Development* clearly demonstrates the nexus between development and traffic increases. It also provides an indication of the magnitude of traffic generation by land use type. Commercial developments (particularly larger shopping centres) have a high traffic generating capacity.

Based on the RTA traffic generation figures (9 to 10 trips per dwelling; average 6 trips per townhouse/unit), as well as tourist traffic (assumed 1 per bed), the total trips generated by existing residential development in the LGA is approximately 116,900. Together with trips generated by commercial and industrial land uses indicate there may be up to 165,550 trips generated in the local government area based on the 2001 census figures. This would equate to around 48,672 additional trips.

#### 4.9.4 Future Traffic Growth to 2015

Based on the additional 11,255 residents and tourists to capacity and the dwelling forecast, the capacity population would result in an additional 4,167 dwellings and 300 tourist beds will be created in this time. The increase in commercial floorspace to 2015 would equate to 20,000 square metres of floorspace while industrial floorspace increase would be 45,000 square metres.

The proposed works program has been developed to cater to growth to 2015 as shown in Table 4.14 rather than the total capacity population as Council is yet to finalise decisions on major works beyond 2015. In this period, it is estimated that there would be an additional 32,891 new trips in the LGA.

The potential growth in traffic is based on the following assumptions:

- Population growth will continue at slightly lower levels than the past few years. The majority of traffic growth (80%) is attributable to residential dwelling growth.
- The moratorium in Byron Bay will be lifted around 2004/5 and growth in Byron Bay will jump to around 5% per annum after that.
- The Byron Bay by-pass is constructed post-2005.
- Suffolk Park will continue to develop at a low rate to the end of the planning period
- Mullumbimby and Bangalow will have higher growth rates as these locations become more desirable as an alternative place to live.
- Ocean Shores and Brunswick Heads will continue to grow strongly.
- Rural areas will experience moderate growth.
- Tourism growth will continue.
- Commercial and industrial growth will continue.

The increases in traffic are based on population growth discussed earlier in Section 2.0 as well as an allowance for increased commercial, tourist, retail and industrial development.

This indicates that most road corridors will be required to carry more traffic. However, apart from the Byron Bay by-pass, there is not likely to be a need for development of new road corridors in urban or rural areas.

Table 4.14: Predicted Trip Growth: Byron Shire<sup>1</sup>.

Location	Population Capacity	Existing Total Traffic (trips) <sup>2</sup>	Projected Traffic Increase – trip <sup>3</sup> to Capacity	Trip Growth 2005-2010
Byron Bay/ Suffolk Park	13,050	30408	45790	8460
Mullumbimby	4,800	10947	16826	3234
Brunswick Heads	3,250	5993	11293	2915
Bangalow	2,300	4381	8002	1991
Ocean Shores/New Brighton/South Golden Beach	6,830	17670	24088	3530
Rural North	5700	17299	20281	1640
Rural South	4400	13292	15651	1297
Commercial Development (all areas)	NA	7450	15000	8250
Industrial Development (all areas)	NA	3680	6000	3300
Byron Shire	40,330	111120	162931	34617

Notes:

1. Rural areas included as traffic is spread throughout the Shire.
2. Existing total traffic is based on traffic generation by residential uses with an allowance for other land uses such as commercial development
3. Excludes seasonal effects of tourist traffic. Figures for commercial and industrial development reduced to allow for duplication of trips

The costs for improvements to the road network are shown in Tables 4.15 and 4.16. This has been prepared following discussion with Byron Council following assessment of the predicted road demands

and deficiencies to meet the population capacities. All local roadworks throughout the Council are the responsibility of Council to fully fund. Consequently, these works can be subject to Section 94 levies.

#### 4.9.5 Apportionment of Works

Tables 4.15 and 4.16 also set out the proportional responsibility (apportionment) of new development towards the road upgrading program. These amounts have been determined following the earlier traffic increase assessment, and taking into account existing road deficiencies, future funding sources and community benefit arising from the works.

The majority of roads are adequate for the existing population and development in the Shire. Where future development has solely created the demand for the works, there will be no apportionment of costs. The following table shows the apportionment rates adopted.

The projected increase in trips as a result of new development will create needs for upgrading of roads as well as management of traffic. The only roadworks that have additional community benefit from the creation of new facilities are the works associated with the Byron by-pass. An apportionment of 40% for the by-pass has been calculated based on population and traffic growth including an allowance for additional community benefit and existing deficiencies. No apportionment is adopted for rural roads as these works are solely generated by rural based development.

#### 4.9.6 Calculation of Contributions

All local roadworks are the responsibility of Council to fund. The formula for road contribution plans is as follows:

$$C = \frac{TC}{NT}$$

Where: C is the Section 94 levy expressed as a per trip contribution  
TC is the total cost of the work (apportioned including funds to be collected)  
NT is the total number of new trips in the Shire

Based on the works program for the area, the priorities and costings contained in Section 3.0, it is proposed that the Section 94 contributions for urban road upgrading be as follows:

$$TC = \$25,970,683$$
$$NT = 34,617$$

Thus,

$$C = \frac{\$25,970,683}{34,617}$$
$$= \$750.23 / \text{trip}$$

The contribution will be sought for the following types of development that generates traffic and leads to demand for improvement or upgrading of the road system or the need for new roads including all ancillary road network needs (such as traffic management measures, lighting, pedestrian facilities):

- Residential development of all types.
- Commercial and retail development.
- Industrial development.
- Rural development.

The levy is proposed to be imposed according to the demand generated (viz new trips) by each of the uses. This will be based on traffic generation figures that are used by the NSW Roads and Traffic Authority for the various land use types noted in the *Guide for Traffic Generating Developments*.

#### 4.9.7 Extractive Industries

Road pavement deterioration associated with quarries is caused largely by the passage of heavy vehicles. Extractive industries typically cause and exacerbate the deterioration of the road surfaces which then requires the need for considerable expenditure to maintain, repair and, where necessary, reconstruct the roads. Road maintenance can be funded via Section 94 only for quarry and mining operations.

Damage to road surfaces is caused by heavy vehicles and is to be measured by equivalent standard axles (ESA's). It is also widely accepted that the damaging effect of a 4 axle vehicle on road pavement is non-linear (eg double the load causes 16 times the damage –  $2 \times 2 \times 2 \times 2$ ).

This load equivalency results in high potential levels of damage to Shire roads. Therefore, a section 94 contribution is reasonable for new quarries or quarries that expand production to cover the increased level of road deterioration. Such a levy is appropriate for new construction, maintenance and rebuilding of any road that is used by quarry traffic.

As future development of quarries is unknown until the time of expansion/development, all that can be provided at this stage is a formula for the calculation of the levy. The formula for road upgrading and maintenance is as per the existing CP with an increased tonnage rate of 4 cents per tonne to reflect inflation and increase material/labour costs)

$$\text{Contribution per tonne (cents)} = 4(L_1 \times P_1 + L_2 \times P_2 \dots\dots L_n + L_n)$$

Where:

- L<sub>1</sub> Length of road route 1 in the Shire between the extractive industry and its customer (or end point) or the Pacific (whichever is the closer)
- P<sub>1</sub> Estimated percentage of extractive material trucked along route 1
- 4 4 cents per tonne as the contribution towards pavement rehabilitation, restoration, repair and/or maintenance
- L<sub>2</sub> Length of road route 2
- P<sub>2</sub> Estimated percentage of extractive material trucked along route 2

Table 4.15: Urban Road Upgrading Program

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay</b>						
<b>1993 Works brought forward</b>						
	Cemetery Road	226,130	100%	226,130	0	
	Cemetery Road - Railway cross	266,600	100%	266,600	0	
	Childe St	266,600	100%	266,600	0	
	Bayshore Drive	34,100	100%	34,100	0	
	<b>Sub-total</b>	<b>793,430</b>		<b>793,430</b>	<b>0</b>	<b>532,182</b>
<b>New works</b>						
	Byron Bypass	3,611,313	30%	1,083,394	2,527,919	
	Ewingsdale Road/Bayshore Dr	878,800	85%	746,980	131,820	
	Shirley Street	828,000	85%	703,800	124,200	
	Tennyson Street	724,000	85%	615,400	108,600	
	Lawson Street	572,400	85%	486,540	85,860	
	Jonson Street	158,000	85%	134,300	23,700	
	Shirley Street/Butler Street	878,800	85%	746,980	131,820	
	Bangalow Road	3,354,100	40%	1,341,640	2,012,460	
	Town Centre Traffic Mgmt	828,800	85%	704,480	124,320	
	<b>Sub-total</b>	<b>11,834,213</b>		<b>6,563,514</b>	<b>5,270,699</b>	<b>6,563,514</b>
<b>Suffolk Park</b>						
<b>1993 Works brought forward</b>						
	Batson's Quarry	151,896	100%	151,896	0	
	Broken Head Rd	261,500	100%	261,500	0	
	Roundabouts - Broken Head Rd	300,000	100%	300,000	0	
	<b>Sub-total</b>	<b>713,396</b>	<b>0%</b>	<b>713,396</b>	<b>0</b>	<b>401,349</b>
<b>New works</b>						
	Broken Head Rd - roundabout	549,500	100%	549,500	0	
	Broken Head Rd upgrade	827,500	100%	827,500	0	
	<b>Sub-total</b>	<b>1,377,000</b>		<b>1,377,000</b>	<b>0</b>	<b>1,377,000</b>
<b>Mullumbimby</b>						
<b>1993 Works brought forward</b>						
	Left Bank/Jubilee inter	37,393	100%	37,393	0	
	Left Bank/Azalea St inter	11,700	100%	11,700	0	
	Pine/Main Arm inter	49,991	100%	49,991	0	
	Manns/Mullumbimby Rd	54,300	100%	54,300	0	
	McAuleys/Mullumbimby Rd	247,600	100%	247,600	0	
	McAuleys Lane/Myocum Rd	36,800	100%	36,800	0	
	McAuleys Lane	86,100	100%	86,100	0	

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
	<b>Sub-total</b>	<b>523,884</b>		<b>523,884</b>	<b>0</b>	<b>478,123</b>
<b>New works</b>						
	Mullumbimby Road	775,600	85%	659,260	116,340	
	Burringhar Street	724,000	85%	615,400	108,600	
	Jubilee Avenue	312,800	85%	265,880	46,920	
	Main Arm Road	878,800	85%	746,980	131,820	
	Traffic management measures	311,200	85%	264,520	46,680	
	<b>Sub-total</b>	<b>3,002,400</b>		<b>2,552,040</b>	<b>450,360</b>	<b>2,552,040</b>
<b>Brunswick Heads</b>						
<b>New works</b>						
	Traffic management	259,600	85%	220,660	38,940	
	South Beach Road	369,200	85%	313,820	55,380	
	<b>Sub-total</b>	<b>628,800</b>		<b>534,480</b>	<b>94,320</b>	<b>534,480</b>
<b>Bangalow</b>						
<b>1993 Works brought forward</b>						
	Rifle Range Rd/Lismore Rd	87,000	100%	87,000	0	
	Raftons/Rifle Range/ Rob./Keith	41,816	100%	41,816	0	
	Rifle Range Rd Railway Viaduct	437,300	100%	437,300	0	
	Leslie St	61,400	100%	61,400	0	
	<b>Sub-total</b>	<b>627,516</b>		<b>627,516</b>	<b>0</b>	<b>406,065</b>
<b>New works</b>						
	Bangalow Road	309,600	85%	263,160	46,440	
	Market Street	309,600	85%	263,160	46,440	
	Ballina Road	258,000	85%	219,300	38,700	
	Rifle Range Road	903,000	85%	767,550	135,450	
	<b>Sub-total</b>	<b>1,780,200</b>		<b>1,513,170</b>	<b>267,030</b>	<b>1,513,170</b>
<b>Ocean Shores/New Brighton/SGB</b>						
<b>New works</b>						
	Shara Avenue	311,200	85%	264,520	46,680	
	Balemo Drive	311,200	85%	264,520	46,680	
	Orana Road	362,800	85%	308,380	54,420	
	Rajah Road	414,400	85%	352,240	62,160	
	<b>Sub-total</b>	<b>1,399,600</b>		<b>1,189,660</b>	<b>209,940</b>	<b>1,189,660</b>
<b>TOTAL PROGRAM</b>		<b>22,680,439</b>	<b>0</b>	<b>16,388,090</b>	<b>6,292,349</b>	<b>15,547,583</b>

Table 4.16: Rural Road Upgrading Program

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>1993 Works brought forward</b>						
Mudges Quarry		2,800	100%	2,800	0	
Leela Quarry		8,300	100%	8,300	0	
Shire - Rural Roads		732,699	100%	732,699	0	
	<b>Sub-total</b>	<b>743,799</b>		<b>743,799</b>	<b>0</b>	<b>5,824</b>
<b>New works</b>						
Upper Main Arm/Main Arm	Main Arm Road	1,103,700	100%	1,103,700	0	1,103,700
Federal/ Coorabell	Federal Rd	884,700	100%	884,700	0	884,700
	Monte Collum Rd	743,700	100%	743,700	0	743,700
	Coolamon Scenic Dr	2,270,000	100%	2,270,000	0	2,270,000
	Charltons Rd	366,200	100%	366,200	0	366,200
	Coorabell Rd	1,123,200	100%	1,123,200	0	1,123,200
Eureka/Clunes	Federal Rd	892,400	100%	892,400	0	892,400
	Binna Burra Rd	797,000	100%	797,000	0	797,000
	Eureka Rd	781,600	100%	781,600	0	781,600
Natural Lane	Natural Lane	928,300	100%	928,300	0	928,300
Broken Head	Broken Head Rd	391,800	100%	391,800	0	391,800
Coopers Shoot/Ewingsdale	McGettigans Lne	140,500	100%	140,500	0	140,500
	<b>Sub-total</b>	<b>10,423,100</b>		<b>10,423,100</b>	<b>0</b>	<b>10,423,100</b>
<b>TOTAL PROGRAM</b>		<b>11,166,899</b>		<b>11,166,899</b>	<b>0</b>	<b>10,428,924</b>

## 4.10 Car Parking

### 4.10.1 Nexus Issues

These are the only centres where there are larger retail and commercial centres and, consequently, where there is demand for car parking to be provided.

The link between the expected types of development in these areas and the need for additional car parking required to meet that need is based upon:

- The total projected incoming population
- Commercial and retail development that supports the existing and projected population (including tourists)
- Assessment of the capacity of existing car parking facilities
- Analysis of the extent of car parking to meet the needs generated by the incoming population.

A major resource in establishing nexus is the existing *Byron Council Section 94 Contributions Plan – 2001-2006*, previous Council reports and studies, various documents produced by the NSW Roads and Traffic Authority as well as the results of community consultation and assessment of needs.

### 4.10.2 Car Parking Demand

Demand for car parking is a function of increased population growth and new retail/commercial development. Table 4.17 shows the projected housing and retail/commercial development anticipated in each urban area where Council provides car parking.

Table 4.17: Car Parking Demand

Location	Population Capacity	Additional dwelling units to capacity		Additional commercial floorspace <sup>1</sup> (m <sup>2</sup> )	Car Parking Demand <sup>2</sup> .
		Detached	Town-houses, units		
Byron Bay	9100	975	455	11750	510
Mullumbimby	4800	465	217	3000	125
Brunswick Heads	3250	424	198	3000	125
Bangalow	2300	330	154	1500	65

Notes:

1. Assumed that 75% of future floorspace comprises retail development
2. Based on 1 space per 50 m<sup>2</sup> of commercial floorspace; 5 spaces per 100 m<sup>2</sup> of retail floorspace

Byron Bay township has the highest demand for car parking in the local government area although there demand remains for off-street car parking in Mullumbimby, Bangalow and Brunswick Heads. This relates to car parking demand generated by the capacity population and commercial/retail development. Only a proportion of this demand will be catered for at this stage as a long-term strategy is required in each of the urban areas.

### 4.10.3 Costing of Improvements and Apportionment

The following standard rates have been applied to the development of car parking (exclusive of land costs):

- Ground level - \$3,000 per space
- Multilevel - \$15,000 per space

The existing car parking facilities are adequate for the existing population and development in the Shire. As the proposed works are solely to cater to future development, there will be no apportionment for these facilities and incoming development will be responsible for the future works. Table 4.18 outlines the works program for car parking in the Shire.

The formula for car parking contribution plans is as follows:

$$C = \frac{TC}{NC}$$

Where: C is the Section 94 levy expressed as a per space contribution  
TC is the total cost of the work including land acquisition and construction  
NC is the total number of new car parking spaces created

Based on the works program for the area, the Section 94 contributions are as follows:

Table 4.18: Contributions – Car Parking

Catchment	No. of Spaces	Contribution
Byron Bay / Suffolk Park	250	49,202.26
Mullumbimby	50	13,349.52
Brunswick Heads	100	40,812.21
Bangalow	86	20,581.35
<b>Total</b>	<b>486</b>	

Note: includes incomplete works and land acquisition

The contribution will be sought for the following types of development that generates car parking demand and leads to demand for improvement or upgrading of existing or future car parks within the town centres of any urban area:

- Residential development of all types.
- Tourist facilities.
- Commercial and retail development.
- Industrial development.

The levy is proposed to be imposed according to the demand generated (viz car parking demand) by each of the uses. This will be based on Council's car parking codes and policies.

Table 4.19: Car Parking Works Program

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay</b>						
1993 Works brought forward						
	Acquire	1,600,000	100%	1,600,000	0	
	Construct	304,000	100%	304,000	0	
	Sub-total	1,904,000		1,904,000	0	432,864
New works						
	Acquire/construct	4,091,700	100%	4,091,700	0	
	Sub-total	11,867,700		11,867,700	0	11,867,700
<b>Mullumbimby</b>						
1993 Works brought forward						
	Acquire	418,000	100%	418,000	0	
	Construct	40,800	100%	40,800	0	
	Sub-total	458,800		458,800	0	408,276
New works						
	Street parking upgrade	324,000	80%	259,200	64,800	
	Sub-total	324,000		259,200	64,800	259,200
<b>Brunswick Heads</b>						
1993 Works brought forward						
	Acquire	3,591,000	100%	3,591,000	0	
	Construct	135,900	100%	135,900	0	
	Sub-total	3,726,900		3,726,900	0	3,699,321
New works						
	Street parking upgrade	381,900	100%	381,900	0	
	Sub-total	381,900		381,900	0	381,900
<b>Bangalow</b>						
1993 Works brought forward						
	Acquire	2,406,100	60%	1,443,660	962,440	
	Construct	152,200	60%	91,320	60,880	
	Sub-total	2,558,300		1,534,980	1,023,320	1,494,596
New works						
	Street parking upgrade	275,400	100%	275,400	0	
	Sub-total	275,400		275,400	0	275,400
<b>TOTAL PROGRAM</b>		<b>21,497,000</b>		<b>20,408,880</b>	<b>1,088,120</b>	<b>18,819,257</b>

## 4.11 Cycleways

### 4.11.1 Nexus

The link between the expected types of development in the area and the demand for additional cycleways is based upon:

- The total projected incoming population
- The spatial distribution of this incoming population
- Community consultation and needs assessments
- Community leisure and recreation preferences
- Assessment of level of capacity of existing bikeway facilities
- Analysis of the types of facilities required for incoming population.

A major resource in establishing nexus is the existing 1993 *Byron Council Section 94 Contributions Plan – Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads, Street Tree Planting*, information published by the Commonwealth Department of Arts, Sport, the Environment, Tourism and Territories as well as the results of community consultation and assessment of needs undertaken as part of this review.

### 4.11.2 Demand

The population of Byron is ageing in line with NSW and Australian trends and the needs for walking trails is increasing as older people tend to walk as a means of recreation. Observations of bicycle use in Byron also indicated high use levels.

The community consultation undertaken during review of the previous Plan shows that there is demand for improved walkways and bikeways in most areas of Byron Shire. Such facilities are seen as a baseline community facility by most of the population.

Council has required contributions for construction of cycleways to connect cycleways required to be provided as part of a subdivision consent. Bikeway contributions are only accepted in Byron Bay, Bangalow, Brunswick Heads, Ocean Shores/New Brighton/South Golden Beach and Mullumbimby.

Council has proposed extensions to existing and future cycleways to improve facilities for the existing population and to provide for additional population demands. The following improvements are proposed in each urban area. These include works that have not been completed under the existing CP.

### 4.11.3 Apportionment and Costing of Works

The proposed work programs for cycleways brings forward those works contained in the previous Plan. The costings of works has been updated to reflect current day dollars and the existing apportionment previously adopted have been adopted for this Plan.

The capacity of all urban and rural areas in Byron Shire will increase by population by approximately 40% which will increase demands on existing cycleways requiring improvement to cater to demand. In addition, there will be demand for additional facilities as a result of the population increase.

It is proposed that the existing cycleway plan be used as the basis for the Cycleway Strategy Plan. This will improve facilities for the existing population and to provide for additional population demands.

Table 4.20: Cycleway Strategy: Works Program

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay/Sunrise Beach</b>						
<b>1993 Works brought forward</b>						
	Bangalow Rd(Mackay to Keats St)	71,400	35%	24,990	46,410	
	Tennyson St (Browning to Carlyle St)	9,400	35%	3,290	6,110	
	Middleton St (Carlyle to Bay St)	78,200	35%	27,370	50,830	
	Bay St (Middleton to Jonson St)	42,800	35%	14,980	27,820	
	Lawson St (Middleton to Jonson St)	4,800	35%	1,680	3,120	
	Lighthouse Rd (Massinger to Lighthouse)	166,900	35%	58,415	108,485	
	Butler/Burns St	142,600	35%	49,910	92,690	
	Cemetery Road	68,500	35%	23,975	44,525	
	Shirley St(Railway to Kendall St)	5,400	62%	3,348	2,052	
	Ewingsdale Rd (Kendall to Belongil)	50,000	62%	31,000	19,000	
	Bridge at Belongil	70,500	62%	43,710	26,790	
	Ewingsdale Rd (Belongil to Bayshore Dr)	84,000	62%	52,080	31,920	
	<b>Sub-total</b>	<b>794,500</b>		<b>334,748</b>	<b>459,752</b>	<b>276,770</b>
<b>New Works</b>						
	Bayshore Drive to Island Quarry	291,000	35%	101,850	189,150	
	Island Quarry to McGettigans Lane	509,000	35%	178,150	330,850	
	McGettigans Lane to Old Pacific Highway	273,000	35%	95,550	177,450	
	<b>Sub-total</b>	<b>1,867,500</b>		<b>710,298</b>	<b>1,157,202</b>	<b>710,298</b>
<b>Suffolk Park</b>						
<b>1993 Works brought forward</b>						
	Clifford St	3,400	53%	1,802	1,598	
	Alcorn St	118,500	53%	62,805	55,695	
	Alcorn to Broken Head Rd	85,500	53%	45,315	40,185	
	Jarman St	33,000	53%	17,490	15,510	
	Tallow Beach Resort Area	112,400	53%	59,572	52,828	
	Broken Hd Rd	123,214	53%	65,304	57,911	
	Two pedestrian crossings Broken Hd Rd	13,600	53%	7,208	6,392	
	<b>Sub-total</b>	<b>489,614</b>		<b>259,496</b>	<b>230,119</b>	<b>211,928</b>
<b>Mullumbimby</b>						
<b>1993 Works brought forward</b>						
	Argyle St (Manns Rd)	47,293	30%	14,188	33,105	

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
	Morrison Avenue	11,400	30%	3,420	7,980	
	Crown St	13,400	30%	4,020	9,380	
	Queen St	11,400	30%	3,420	7,980	
	Station St	142,600	30%	42,780	99,820	
	Tincogan St	85,500	30%	25,650	59,850	
	Coolamon Scenic Drive	7,200	30%	2,160	5,040	
	Main Arm Rd	34,822	30%	10,447	24,375	
	Brunswick Terrace/River Terrace	92,700	30%	27,810	64,890	
	Jubilee Avenue	7,200	30%	2,160	5,040	
	Left Bank Rd	128,400	91%	116,844	11,556	
	<b>Sub-total</b>	<b>581,915</b>		<b>252,899</b>	<b>329,017</b>	<b>246,498</b>
<b>Brunswick Heads</b>						
<b>1993 Works brought forward</b>						
	Bayside Way to Bowling Club	84,365	85%	71,710	12,655	
	Bowling Club to Tennis Courts	55,000	85%	46,750	8,250	
	Park St(Nana/Mullumbimby)	51,000	9%	4,590	46,410	
	Fawcett St	42,800	9%	3,852	38,948	
	South Beach Rd	85,500	9%	7,695	77,805	
	Pacific Highway(Fawcett to Bridge)	57,300	9%	5,157	52,143	
	<b>Sub-total</b>	<b>375,965</b>		<b>139,754</b>	<b>236,211</b>	<b>137,582</b>
<b>Bangalow</b>						
<b>1993 Works brought forward</b>						
	Raftons Rd/Leslie St	4,800	59%	2,832	1,968	
	Deacon St	4,000	59%	2,360	1,640	
	Roundabout to Tennis Crts Via School	239,100	59%	141,069	98,031	
	Pacific Highway (South)	42,800	59%	25,252	17,548	
	<b>Sub-total</b>	<b>290,700</b>		<b>171,513</b>	<b>119,187</b>	<b>106,730</b>
<b>Ocean Shores/New Brighton/SGB</b>						
<b>1993 Works brought forward</b>						
	Pacific Highway (Brunswick to Bridge)	56,100	15%	8,415	47,685	
	Bridge to Rajah Rd	35,700	15%	5,355	30,345	
	Rajah Rd	9,971	15%	1,496	8,475	
	Orana Rd	34,800	15%	5,220	29,580	
	Shara Boulevarde	128,400	15%	19,260	109,140	

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
	The Esplanade/River St	281,790	15%	42,269	239,522	
	Redgate Rd/Beach Avenue	152,351	15%	22,853	129,499	
	Rangal Rd/Kallaroo Circuit	128,400	15%	19,260	109,140	
	Kolora Way/Shara Boulevarde	59,200	15%	8,880	50,320	
	<b>Sub-total</b>	<b>886,712</b>		<b>133,007</b>	<b>753,706</b>	<b>116,011</b>
<b>Inter-town Links</b>						
	Argyle Street via Mullumbimby Road/Gulgan Road to Bayside	1,850,500	35%	647,675	1,202,825	
	Broken Head Road	2,698,800	35%	944,580	1,754,220	
	Off road bikeway to Uncle Toms along Gulgan Road	757,000	35%	264,950	492,050	
	<b>Sub-total</b>	<b>5,306,300</b>		<b>1,857,205</b>	<b>3,449,095</b>	<b>1,857,205</b>
<b>TOTAL PROGRAM</b>		<b>9,798,707</b>		<b>3,524,171</b>	<b>6,274,536</b>	<b>3,328,273</b>

Notes:

1. The total cost is the apportioned cost for the incoming population.

#### 4.11.4 Calculation of Contributions

The works proposed in the shire are detailed in Table 4.20 while the formula for cycleway contributions on a shire wide basis is as follows:

$$C = \frac{CW}{P}$$

Where: C is the Section 94 levy  
CW is the total cost of the work (apportioned)  
P is the additional new population in the shire

The contributions are shown in the Table 4.21.

Table 4.21 - Contributions - Cycleways

Catchment	Contribution (\$)
Byron Bay / Suffolk Park	265.54
Mullumbimby	265.54
Brunswick Heads	265.54
Bangalow	265.54
Ocean Shores / New Brighton / SGB	265.54
Rural North	265.54
Rural South	265.54

The contribution will be sought for the following types of development that generates demand for cycleways and leads to demand for improvement or upgrading of existing or future cycleways:

- Residential development of all types.
- Commercial development that involves the accommodation of persons on a temporary or permanent basis (eg tourist accommodation facilities, cabins, hotels, motels, caravan parks).

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures.

It has been established that development that does not impose demands on cycleways facilities (viz commercial/retail development, industrial development, quarries) will not be subject of a levy for these facilities as there is a significant element of shared use between these uses and residential/tourist development.

## 4.12 Civic/Urban Improvements and Shire Support Facilities

### 4.12.1 Nexus

The link between the expected types of development in the area and the need for civic and urban improvements to meet the need of the future population requires an assessment of:

- The total projected incoming population
- Future development of commercial, retail and industrial development which generates employees
- The spatial distribution of this incoming population and employment base
- Community consultation and needs assessments
- Assessment of existing civic improvements and facilities
- Analysis of the types of improvements and facilities required for incoming population and employment base.

#### 4.12.2 Demand Assessment

Civic improvement covers a variety of facilities that are required in urban areas to support the population and employee growth in commercial and industrial areas. This may include:

- Public toilets
- Walkways/footpaths
- Landscaping and urban design improvements
- Street furniture including seating, rubbish bins, bike racks, notice boards and signage
- Fencing and public safety facilities
- Street lighting

There are currently provided by the Council in strategic locations mainly around town centres but also in potential high use areas (eg, well used roads and walkways). As the population growth and commercial/retail and industrial development occurs, there will be an increase in demand for additional facilities and place pressure on existing facilities, Council will seek from new development the proportion of the costs of provision of new facilities required for the incoming population. Table 4.22 details projected growth in the population and employees in the LGA to capacity. This indicates the extent to which demand will be created for civic and urban improvements.

Table4.22: Population and Employee Growth

Location	Additional retail/commercial floorspace <sup>1</sup> (m <sup>2</sup> )	Estimated retail/commercial employees <sup>2</sup>	Additional industrial floorspace (m <sup>2</sup> )	Estimated industrial employees <sup>2</sup>
Byron Bay	11500	359	6750	84
Suffolk Park	250	8	0	0
Mullumbimby	3000	94	4500	56
Brunswick Heads	3000	94	0	0
Bilinudgel	0	0	2250	28
Ocean Shores	0	0	0	0
New Brighton / SG Beach	0	0	0	0
Bangalow	1500	47	1500	19
Rural North	0	0	0	0
Rural South	0	0	0	0
Total Shire	20000	602	15000	188

Notes:

1. Assumes 75% of floorspace is retail
2. Rates adopted are 1 employee per – 20 m<sup>2</sup> for commercial; 40 m<sup>2</sup> for retail; 80 m<sup>2</sup> for industrial

Based on an assessment of existing facilities, population and development in the Shire and community consultation, Council has made an assessment of the various urban centres and existing civic amenities and have proposed further improvement or embellishment of facilities to cater to growth as follows:

- **Byron Bay/Suffolk Park/Ewingsdale:**
  - Street furniture: additional seating, rubbish bins, bike racks, notice boards and signage
  - Upgrade public toilets
  - Walkways and footpath improvements
  - Increased lighting along Bay Street and town centre areas
  - Landscaping within town centre
  - Public art
- **Suffolk Park:**
  - Street furniture: additional seating, rubbish bins, signage, fencing

- Walkways and footpath improvements
- **Mullumbimby:**
  - Street furniture: additional seating, rubbish bins, notice boards and signage
  - Upgrade public toilets
  - Improve walkways and footpaths
  - Landscaping within town centre
  - Public art
- **Brunswick Heads:**
  - Street furniture: additional seating, rubbish bins and signage
  - Walkways and footpath improvements
  - Landscaping within town centre
  - Public art
- **Bangalow:**
  - Street furniture: additional seating, rubbish bins, notice boards and signage
  - Provide public toilets
  - Walkways and footpath improvements
  - Public art
- **Ocean Shores/New Brighton/South Golden Beach:**
  - Street furniture: additional seating, rubbish bins and bike racks in local shops
  - Walkways and footpath improvements
  - Street landscaping
  - Public art
- **Rural Areas:**
  - Street furniture: additional seating, rubbish bins, bike racks, notice boards and signage in villages
  - Walkways and footpath improvements
  - Street landscaping

#### 4.12.3 Apportionment of Works

The existing civic and urban facilities are adequate for the existing population and development in the Shire. As the proposed works are solely to cater to future development, there will be no apportionment for these facilities and incoming development will be responsible for the future works.

#### 4.12.4 Calculation of Contributions

The formula for civic and urban improvements is as follows:

$$C = \frac{TC}{P_E + P_{EM}}$$

Where:

- C is the Section 94 levy
- TC is the total cost of the work
- P<sub>E</sub> is the additional new population including tourist numbers
- P<sub>EM</sub> is the estimated employees in each area based on future commercial and retail development

The contribution rates are set out in Table 4.23. The contribution will be sought for the following types of development that generates demand for urban and civic improvements:

- Residential development of all types.

- Commercial development that involves the accommodation of persons on a temporary or permanent basis (eg tourist accommodation facilities, cabins, hotels, motels, caravan parks).
- Commercial and retail development
- Industrial development
- Rural development

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures or by the additional gross floor area for commercial, retail and industrial development.

**Table 4.23: Contributions for Civic and Urban Improvements**

Catchment	Residential (\$)	Commercial (\$)	Retail (\$)	Industrial (\$)
Byron Bay / Suffolk Park	577.23	28.86	14.43	7.22
Mullumbimby	504.40	25.22	12.61	6.30
Brunswick Heads	518.54	25.93	12.96	6.48
Bangalow	524.72	26.24	13.12	6.56
Ocean Shores / New Brighton / SGB	382.76	0.00	0.00	0.00
Rural South	249.14	0.00	0.00	0.00
Rural North	249.14	0.00	0.00	0.00

Notes:

1. Rates adopted are 1 employee per – 20 m2 for commercial; 40 m2 for retail; 80 m2 for industrial
2. Rates for commercial, retail and industrial development based on gross floor area.

#### **4.12.5 Shire Support Facilities**

The link between the expected types of development in the area and the need for shire support facilities to meet the need of the future population requires an assessment of:

- The total projected incoming population
- Future development of commercial, retail and industrial development which generates employees
- The spatial distribution of this incoming population and employment base
- Community consultation and needs assessments
- Assessment of existing civic improvements and facilities
- Analysis of the types of shire support facilities required for incoming population and employment base.

#### **4.12.6 Existing Facilities**

At present, Council provides a bushfire fighting service to the rural areas of the Shire. These operate from brigades located at Byron Bay, Mullumbimby, Billinudgel, Wilsons Creek, Federal, Goongerry and Main Arm. Fire services in the urban centres is provided through the NSW Fire Brigades.

Surf lifesaving services and facilities are provided at the main beaches near coastal urban centres. Council will seek from new development the proportion of the costs of provision of new facilities required for the incoming population.

#### **4.12.7 Apportionment of Works**

The existing shire support facilities are adequate for the existing population and development in the Shire. As the proposed works are solely to cater to future development, there will be no apportionment for these facilities and incoming development will be responsible for the future works.

#### **4.12.8 Calculation of Contributions**

The formula and contributions for civic improvements and shire support facilities is set out below.

$$C = \frac{TC}{P}$$

Where: C is the Section 94 levy  
TC is the total cost of the work (apportioned including works brought forward)  
P is the additional new population in the relevant catchment

The contribution will be sought for the following types of development that generates demand for provision or surf lifesaving facilities:

- Residential development of all types.
- Tourist facilities.

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures.

The contribution rates for bushfire fighting and surf lifesaving facilities are set out below:

Catchment	Population Increase	Contribution Rates (per person)	
		Bushfire Fighting	Surf Lifesaving
Byron Bay/Suffolk Park	2327	\$0	\$9.38
Mullumbimby	1200	\$0	\$9.38
Brunswick Heads	1205	\$0	\$9.38
Bangalow	1044	\$0	\$9.38
Ocean Shores/ New Brighton / South Golden Beach	1650	\$0	\$9.38
Rural North	617	\$301.82	\$0
Rural South	334	\$301.82	\$0

Table 4.24: Civic and Urban Improvement Works

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>Byron Bay/Suffolk Park</b>						
<b>1993 Works brought forward</b>						
	Street tree planting	17,732	100%	17,732	0	
	<b>Sub-total</b>	<b>17,732</b>		<b>17,732</b>	<b>0</b>	<b>13</b>
<b>New works</b>						
	Town centre works	1,949,000	100%	1,949,000	0	
	Jonson Street upgrade	1,897,700	50%	948,850	948,850	
	Upgrade public toilets	205,200	50%	102,600	102,600	
	Surf Lifesaving Facilities	51,300	100%	51,300	0	
	<b>Sub-total</b>	<b>4,103,200</b>		<b>3,051,750</b>	<b>1,051,450</b>	<b>3,051,750</b>
<b>Mullumbimby</b>						
<b>1993 Works brought forward</b>						
	Street tree planting	6,939	100%	6,939	0	
	<b>Sub-total</b>	<b>6,939</b>		<b>6,939</b>	<b>0</b>	<b>40</b>
<b>New works</b>						
	Town centre works	564,200	100%	564,200	0	
	Upgrade public toilets	256,400	50%	128,200	128,200	
	Improve walkways and footpaths	282,100	100%	282,100	0	
	<b>Sub-total</b>	<b>1,102,700</b>		<b>974,500</b>	<b>128,200</b>	<b>974,500</b>
<b>Brunswick Heads</b>						
<b>1993 Works brought forward</b>						
	Street tree planting	300	100%	300	0	
	<b>Sub-total</b>	<b>300</b>		<b>300</b>	<b>0</b>	<b>43</b>
<b>New works</b>						
	Town centre works	615,500	100%	615,500	0	
	Improve walkways and footpaths	282,100	100%	282,100	0	
	Surf Lifesaving Facilities	51,300	100%	51,300	0	
	<b>Sub-total</b>	<b>948,900</b>		<b>948,900</b>	<b>0</b>	<b>948,900</b>
<b>Bangalow</b>						
<b>1993 Works brought forward</b>						
	Street tree planting	14,868	100%	14,868	0	
	<b>Sub-total</b>	<b>14,868</b>		<b>14,868</b>	<b>0</b>	<b>676</b>

Centre	Works	Total Works Program (Indexed)	Section 94 Percentage	Section 94 Component	Council Component	Remaining Funds to be Collected
<b>New works</b>						
	Town Centre Works	307,700	100%	307,700	0	
	Upgrade public toilets	102,600	100%	102,600	0	
	Improve walkways and footpaths	205,200	100%	205,200	0	
	<b>Sub-total</b>	<b>615,500</b>		<b>615,500</b>	<b>0</b>	<b>615,500</b>
<b>Ocean Shores/New Brighton/SGB</b>						
<b>1993 Works brought forward</b>						
	Street tree planting	7,788	100%	7,788	0	
	<b>Sub-total</b>	<b>7,788</b>		<b>7,788</b>	<b>0</b>	<b>373</b>
<b>New works</b>						
	Improve walkways and footpaths	615,500	100%	615,500	0	
	Street landscaping	128,200	100%	128,200	0	
	<b>Sub-total</b>	<b>743,700</b>		<b>743,700</b>	<b>0</b>	<b>743,700</b>
<b>Rural Areas/Villages</b>						
<b>1993 Works brought forward</b>						
	Rural Bushfire - Equipment	732,249	11%	80,547	651,701	
	<b>Sub-total</b>	<b>732,249</b>		<b>80,547</b>	<b>651,701</b>	<b>20,105</b>
<b>New works</b>						
	Improve walkways and footpaths	141,900	100%	141,900	0	
	Street landscaping	46,200	100%	46,200	0	
	Rural Bushfire - Equipment	256,400	100%	256,400	0	
	Rural Bushfire - Vehicle	205,200	100%	205,200	0	
	<b>Sub-total</b>	<b>649,700</b>		<b>649,700</b>	<b>0</b>	<b>649,700</b>
<b>TOTAL PROGRAM</b>		<b>8,943,577</b>		<b>7,112,226</b>	<b>1,831,351</b>	<b>7,005,302</b>

#### 4.13 Administration

##### 4.13.1 Nexus

The preparation and ongoing administration of the Contributions Plan requires the provision of additional resources to ensure that the plan is effective and achieves the intended purpose. It is appropriate that Council recoups this cost.

The purpose of the Administration Levy is to ensure that the provisions of this Contributions Plan are implemented in an efficient and sustainable manner having due regard to the information available to the Council at the time, the provisions of this plan and legal parameters.

The costs for the administration of the Section 94 plan includes:

- The direct capital costs associated with the administration of the Plan including staff time and provision of office space for these functions.
- Professional costs such as for Plan investigations and studies, and land valuations for the purposes of adjusting contributions rates
- Executing legal documents for works-in-kind agreements
- Land acquisition costs

These costs are the direct result of the administration of the Section 94 Contributions Plan. As these are a cost to the Council, the Council has the ability to recoup some or all of these costs through Section 94 levies. Only that proportion of the costs that are borne by Council that are the direct result of administration of Section 94 are included. These have been capitalised across the life of the plan.

##### 4.13.2 Apportionment of Works

The future administration of the Section 94 functions is solely for future development. The capital costs associated with the administrative centre have been apportioned and separated from other costs associated with the centre that house Councils other functions. There is no apportionment of the capital costs associated with salaries, administrative and professional costs and incoming development will be responsible for these costs.

##### 4.13.3 Calculation of Contributions

The costs for the administration of the Section 94 CP is as follows:

- Administrative centre - \$3,719,986
- Salaries and administrative costs - \$230,000per annum (indexed for 5 years)
- Professional costs - \$183,000 per annum (indexed for 5 years)

The formula for the administrative contribution is as follows:

$$C = \frac{R + S + P}{N}$$

Where: C is the Section 94 levy expressed as a per person contribution  
CAC is the total cost of administration  
R is the remaining funds to be collected  
S is the salaries and administrative cost  
P is the professional costs  
N is the additional new population (including tourist beds) and employment growth

Thus,

$$\begin{aligned} C &= \frac{3,733,077}{13,623} \\ &= \$274.03 \text{ per person} \end{aligned}$$

Table 4.25 sets out the contributions for each area.

Table 4.25: Contributions – Administration

Location	Contribution			
	Residential (per person)	Commercial (per m <sup>2</sup> )	Retail (per m <sup>2</sup> )	Industrial (per m <sup>2</sup> )
Byron Bay / Suffolk Park	274.03	13.70	6.85	3.43
Mullumbimby	274.03	13.70	6.85	3.43
Brunswick Heads	274.03	13.70	6.85	3.43
Bangalow	274.03	13.70	6.85	3.43
Ocean Shores/ New Brighton / Sth Golden Bch	274.03	13.70	6.85	3.43
Rural North	274.03	13.70	6.85	3.43
Rural South	274.03	13.70	6.85	3.43

Notes:

1. Rates adopted are 1 employee per – 20 m<sup>2</sup> for commercial; 40 m<sup>2</sup> for retail; 80 m<sup>2</sup> for industrial
2. Rates for commercial, retail and industrial development based on gross floor area.

The contribution will be sought for the following types of development that generates demand for the administration of the Section 94 Plan:

- Residential development of all types.
- Commercial development that involves the accommodation of persons on a temporary or permanent basis (eg tourist accommodation facilities, cabins, hotels, motels, caravan parks).
- Commercial and retail development
- Industrial development
- Rural development

The levy will be imposed according to the demand generated by each of the uses. This will be based on the occupancy rates for various dwelling types as established by the Australian Bureau of Statistics census figures or by the additional gross floor area for commercial, retail and industrial development.

## 5. Part D – Supporting Documents

This Plan has been supported by extensive assessment of population growth and development in the Byron Shire local government area (refer *Accompanying Report*). This has allowed determination of the long term needs of the future population to fulfil the nexus and reasonableness criteria.

This CP has been compiled with reference to the guidelines provided from the following key documents:

- Abnett Consulting & Realty Research, *Final Report on the Byron Bay, Suffolk Park, Ewingsdale and Brunswick Heads Tourism Capacity Study*, June 1999
- Balanced Systems Planning Consultants, *Comparative Feasibility Assessment of Two Nominated Sites for Sporting Field Development at North Byron Shire*, June 2000
- Byron Shire Council, *Byron Shire Local Environmental Plan 1997*,
- Byron Shire Council, *Byron Council Section 94 Contributions Plan – Open Space, Community Facilities, Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads, Street Tree Planting*, Byron Shire Council 1993
- Byron Shire Council, *Byron Council Section 94 Contributions Plan – Council Offices*, Byron Shire Council 1997
- Byron Shire Council, *Byron Social Plan 1999-2000*, Byron Shire Council 1998
- Byron Shire Council, *Draft Social Plan 2004*
- Byron Shire Council, *Byron Rural Settlement Strategy*, Byron Shire Council 1998
- Byron Shire Council, *Development Control Plan No 1*, Byron Shire Council 1999
- Byron Shire Council, *Byron Bay, Suffolk Park and Ewingsdale Settlement Strategy*, Byron Shire Council 2000
- Byron Shire Council, *Brunswick Heads Settlement Strategy*, Byron Shire Council 2000
- Byron Shire Council, *Mullumbimby Settlement Strategy*, Byron Shire Council 2000
- Byron Shire Council, *Bangalow Settlement Strategy*, Byron Shire Council 2000
- Byron Shire Council, *Management/Budget Plan 2000/2001 – 2004/2005*, Byron Shire Council, 2001
- Department of Urban Affairs and Planning, *Section 94 Manual*, 1997
- Department of Urban Affairs and Planning, *Outdoor Recreation and Open Space Planning Guidelines for Local Government (NSW DUAP, 1992)*.
- DUAP Review of Section 94, 1999
- Department of Planning, *Non Metropolitan Population Projections*, 1998
- Geolink, *Jonson & Lawson Streets Feasibility Study Summary*, 1998
- Local Government and Shire Association of New South Wales, *Review of Section 94, Submission to the Department of Urban Affairs and Planning*.
- PPK, *Byron Bay Town Centre Bypass EIS*, November 1998
- TTM Consulting Pty Ltd, *Byron Bay Traffic Study: Town Centre By pass and Road Network Investigations*, 1993
- Urban Development Institute of Australia, *Review of Section 94, Submission to the Department of Urban Affairs and Planning*.
- Veitch Lister Consulting Pty Ltd, *West Byron to Ewingsdale Traffic Impact and Management Study*, 1997 (Parts 1 & 2)
- Veitch Lister Consulting Pty Ltd, *Review and Update of Councils Parking Schedules in DCP No 1 Part G*, 1997