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*Byron Shire Council*

*Development Contributions Plan  
2001-2006*

#298551

## Document Control

**Connell Wagner**

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## Appendix A

Works Program: 2001/2006

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# 1. Introduction

## 1.1 Section 94 Contributions Plans

Section 94 of the *Environmental Planning and Assessment Act, 1979*, 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, drainage).

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* 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 Regulation and the 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.

A *Section 94 Development Contributions Plan Accompanying Report* (the "*Accompanying Report*") has also been prepared by the Council which includes a detailed assessment of population growth and development, the facilities and works needed by this population, and all current funds, works, formulas and calculations that are required to support the actual contribution rates.

## **1.2 Existing Section 94 Policies and Plans**

Byron Shire Council has the following Section 94 Contribution Plans (CP's) in place in the Shire:

- Community Facilities;
- Open Space;
- Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads and Street Tree Planting
- Council Offices

Council has reviewed and updated these CP's and these are repealed by this CP. This review has ensured that the CP is current, includes best practice and reflect the desires and needs of the community. This review has also ensured that funds previously collected are accounted and expended for the purposes of identified works in repealed CPs.

The new CP includes any works that have not been completed in the previous CP's which have been brought forward into the works program. These works have been escalated by CPI (for works involving construction) or by the increase in land values (where land acquisition is proposed). The CP also brings forward funds that been collected under the existing CPs to ensure that full reconciliation of funds and works occurs. This will ensure that Council is not charging any resident or developer twice for the works and, conversely, that funds for identified works are collected.

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## 2. Part A – Summary Schedules

### 2.1 Executive Summary

This document is the Byron Shire Development Contributions Plan for the period between 1 December 2001 to 30 November 2006. This Plan is made under Section 94B of the *Environmental Planning & Assessment Act, 1979*. 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.

Appendix A provides a detailed expenditure program for Section 94 funds for the purpose of providing public facilities during the term of this 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
<b>Community and Cultural Facilities</b>	<ul style="list-style-type: none"> <li>• Remaining funds to be collected/facilities completed – includes upgrade of community centre in vicinity of town centre area, rather than building new facilities at Sandhill's Estate</li> <li>• Embellish upgraded community centre</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> </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>
<b>Open Space: Local</b>	<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>
<b>District/ Structures</b>	<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>

FACILITY	CATCHMENT						
	Byron Bay/Suffolk Park	Mullumbimby	Brunswick Heads	Bangalow	Ocean Shores/ New Brighton / South Golden Beach	Rural North	Rural South
Roads (Traffic, Parking and Movement Systems)	<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>
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>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Civic and Urban Improvements	<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> </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> </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> </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> </ul>	<ul style="list-style-type: none"> <li>Improve walkways and footpaths</li> <li>Street landscaping</li> </ul>	<ul style="list-style-type: none"> <li>Walkways and footpaths, street landscaping</li> </ul>	<ul style="list-style-type: none"> <li>Walkways and footpaths, street landscaping</li> </ul>
Shire Support Facilities	<ul style="list-style-type: none"> <li>Upgrading bushfire fighting equipment and additional vehicle</li> <li>Additional lifesaving equipment</li> </ul>						
Administration	<ul style="list-style-type: none"> <li>Administrative resources</li> </ul>						

## 2.3 Schedule of Contributions by Area

Catchment	Community Facilities	Open Space	Roads	Car Parking	Cycleways	Civic & Urban Improvements	Shire Support Facilities		Administration
	Per person	Per person	Per trip	Per space	Per person	Per person	Rural Fire Services Per person	Lifesaving Facilities Per person	Per person
Byron Bay/Suffolk Park	\$383.61	\$1,479.46	\$609.32	\$32,731.60	\$194.71	\$417.52	\$0	\$10.77	\$301.36
Mullumbimby	\$449.95	\$1,110.75	\$609.32	\$9,215.52	\$188.13	\$454.55	\$0	\$10.77	\$301.36
Brunswick Heads	\$388.80	\$1,335.41	\$609.32	\$14,969.21	\$104.55	\$443.79	\$0	\$10.77	\$301.36
Bangalow	\$356.82	\$927.71	\$609.32	\$9,592.04	\$88.50	\$462.56	\$0	\$10.77	\$301.36
Ocean Shores/ New Brighton / Sth Golden Bch	\$610.47	\$1,104.75	\$609.32	\$0	\$64.50	\$253.73	\$0	\$10.77	\$301.36
Rural North	\$399.63	\$745.17	\$609.32	\$0	\$0	\$219.78	\$277.15	\$0	\$301.36
Rural South	\$388.83	\$733.86	\$609.32	\$0	\$0	\$219.78	\$277.15	\$0	\$301.36

## 2.4 Schedule of Contribution Rates by Development Type

Contribution Rates	Byron Bay/ Suffolk Park (per SDU <sup>1</sup> )	Mullumbimby (per SDU <sup>1</sup> )	Brunswick Heads (per SDU <sup>1</sup> )	Bangalow (per SDU <sup>1</sup> )	Ocean Shores/New Brighton/SGB (per SDU <sup>1</sup> )	Rural North (per SDU <sup>1</sup> )	Rural South (per SDU <sup>1</sup> )	
Community and Cultural Facilities	\$1,035.75	\$1,214.87	\$1,049.76	\$963.41	\$1,648.27	\$1,079.00	\$1,049.84	
Open Space	\$3,994.54	\$2,999.03	\$3,605.61	\$2,504.82	\$2,982.83	\$2,011.96	\$1,981.42	
Traffic Movement (Roads) <sup>2</sup>	\$5,483.88	\$5,483.88	\$5,483.88	\$5,483.88	\$5,483.88	\$6,093.20	\$6,093.20	
Car Parking <sup>3</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Cycleways	\$525.72	\$507.95	\$282.29	\$238.95	\$174.15	\$0.00	\$0.00	
Civic & Urban Improvements	\$1,127.30	\$1,227.29	\$1,198.23	\$1,248.91	\$685.07	\$593.41	\$593.41	
Rural Fire Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$748.31	\$748.31	
Surf Lifesaving	\$29.08	\$29.08	\$29.08	\$29.08	\$29.08	\$0.00	\$0.00	
Administration	\$813.67	\$813.67	\$813.67	\$813.67	\$813.67	\$813.67	\$813.67	
<b>TOTAL</b>	<b>\$13,009.94</b>	<b>\$12,275.76</b>	<b>\$12,462.52</b>	<b>\$11,282.72</b>	<b>\$11,816.95</b>	<b>\$11,339.54</b>	<b>\$11,279.85</b>	
<i>Residential Development</i>								
Occupancy rate								
1-bedroom	1.7	\$8,191.44	\$7,729.18	\$7,846.77	\$7,103.94	\$7,440.30	\$7,139.71	\$7,102.12
2-bedroom	2.0	\$9,636.99	\$9,093.15	\$9,231.49	\$8,357.57	\$8,753.29	\$8,399.66	\$8,355.44
3-bedroom	2.7	\$13,009.94	\$12,275.76	\$12,462.52	\$11,282.72	\$11,816.95	\$11,339.54	\$11,279.85
3-bedroom dwelling	2.7	\$13,009.94	\$12,275.76	\$12,462.52	\$11,282.72	\$11,816.95	\$11,339.54	\$11,279.85
>3-bedroom dwelling	0.9/bedroom	\$4,336.64/bedroom	\$4,091.91/bedroom	\$4,154.17/bedroom	\$3,760.90/bedroom	\$3,938.98/bedroom	\$3,779.84/bedroom	\$3,759.94/bedroom
Subdivision	2.7/new lot	\$13,009.94	\$12,275.76	\$12,462.52	\$11,282.72	\$11,816.95	\$11,339.54	\$11,279.85
<i>Tourist Accommodation</i>								
Occupancy rate								
Per single person bed	1.0	\$4,818.50	\$4,546.58	\$4,615.75	\$4,178.79	\$4,376.65	\$4,199.83	\$4,177.72
<i>Commercial, Industrial &amp; Retail<sup>4</sup></i>								

## Notes:

1. An SDU refers to a standard development unit, which equates to a standard dwelling. 1 SDU = 2.7 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. Car parking charges may apply if car parking not provided on site and development is located in or near town centres.
4. Commercial, retail and industrial development, other than tourist accommodation, will pay a contribution for roads, car parking, civic and urban improvements, and administration at the rate of 0.37 SDU per employee based on the following employee generation rates: commercial development – 1 employee per 20 m<sup>2</sup> of gross leasable area (GLA); retail – 1/40 m<sup>2</sup> GLA; industrial – 1/80 m<sup>2</sup> GLA.

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## ***3. Part B – Administration and Accounting***

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

This Plan is called the “Byron Shire Development Contributions Plan 2001-2006”

### **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 to**

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 3.1**.

### **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 Regulations and takes effect from the date on which public notice was given (date to be inserted), pursuant to Clause 31(4) of the E P & A Regulations.

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 following Plans:

- *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 Council Section 94 Contributions Plan – Council Offices*, Byron Shire Council 1997

### 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.

"DUAP" means the NSW Department of Urban Affairs and Planning (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 leasable 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 internal faces of the walls, excluding stairs, amenities, lift corridors and other public areas but including stock storage area.

"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.

"Tourist Accommodation" means a building or buildings used for the provision of temporary accommodation to tourists or travellers including motel, caravan park, hotel or rooms within a bed and breakfast establishment let to the public, or similar facility, but does not include a dwelling house or dwelling let casually for holiday accommodation where there is only one dwelling house on the land or the dwelling is part of a dual occupancy.

"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 financial contributions should be finalised 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

This Contributions Plan specifically requires an accredited certifier to impose a condition of consent for the payment of a monetary contribution in the following circumstances:

- 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.

### 3.8 Deferred/Periodic Payments

Where the applicant can demonstrate that the settlement of the contribution in accordance with Clause 3.6 is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. The decision to accept a deferred payment is at the sole and absolute discretion of the Council or Council's delegate.

The applicant needs to make a written request and satisfy the Council that:

- a) there are valid reasons for deferral or periodic payment;
- b) no prejudice will be caused to the community deriving benefit from the public facilities required by the proposed development;
- c) no prejudice will be caused to the efficacy and operation of the plan;
- d) the provision of the public facility in accordance with the adopted works schedule will not be adversely affected.

The conditions under which the Council may accept deferred or periodic settlement by way of instalments is that the instalment be paid before the work commences on any stage of the development as the amount calculated on a pro-rata basis in proportion to the overall development.

The conditions under which the Council may accept deferred or periodic settlement is by way of a bank guarantee provided that:

- (i) the bank guarantee be by an Australian Bank for the amount of the total contribution or the amount of the outstanding contribution;
- (ii) the Bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 6 months from the provision of the guarantee or completion of the work whichever occurs first;
- (iii) 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 in accordance with the development consent;
- (iv) 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.

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.

Indexing will be calculated from the date the contribution was due until the date of payment. The applicant will be required to pay the contribution, the accrued interest and any charges associated with establishing or operating the bank security. 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.

### 3.9 Works in Kind

The Council may accept an offer by the applicant to make a contribution by way of an "in-kind" contribution or through provision of a material public benefit.

The offer may only be accepted if the applicant satisfies the Council that:

- (i) Payment of the contribution in accordance with the provisions of this Plan is unreasonable or unnecessary in the circumstances of the case; and
- (ii) The in-kind contribution will not prejudice the timing of manner of the provision of any particular facility or service for which the contributions is required; and
- (iii) The value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this Plan.

### 3.10 Adjusting Contributions

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 regularly review the contribution rates.

The contribution rates will be reviewed by reference to:

- a) construction costs by the Consumer Price Index (all groups Sydney);
- b) land acquisition costs by reference to independent land valuations or Valuer General valuations;
- c) changes in the capital costs associated with provision of administration and salary costs for Council's Section 94 officer/s by reference to increases in salary rates under the Local Government State Award.
- d) changes in the capital costs of various studies required to support the strategies in the Plan by reference to the actual costs incurred by Council in obtaining these studies.

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. This may require amendment of the Plan which will be carried out in accordance with the provisions of the EP & A Act.

### **3.11 Savings and Transitional Arrangements**

A development application that is submitted after the adoption of this CP 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 submission.

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 in summary form the strategies that Byron Council intends to follow to cater to the needs of future population growth and development in the LGA. A full description of the strategies is provided in the *Accompanying Report*, which provide further details.

The strategies described are intended as a statement of policy with regards to the demand for public services and public facilities identified by the Council in response to development within the LGA. While the Council has the intention to accomplish these strategies, 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. This may require the amendment of the CP, which will 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 Goonengerry.

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. Population growth is discussed in detail in the *Accompanying Report*.

#### 4.3 Catchment Areas and Planning Zones

Council's existing 1993 Section 94 CP established a series of catchment for various facilities and services. Since 1993 the spatial distribution of the population has not altered significantly and the hierarchal function of the urban centres remains unchanged. Consequently, these catchments remain valid and are adopted for the purposes of this CP. The characteristics of catchments are discussed in detail in the *Accompanying Report* in sections dealing with the individual facilities and services where a contribution is required.

#### 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 Community Consultation

The current investigations for the review of Byron Shire's Section 94 Plan have included a range of community consultation activities aimed at understanding the perceived needs as articulated by the

existing community. In addition, an incomplete review of Council's Section 94 Plan in 1995 (GHD, 1995) included surveys and other consultation activities.

In reviewing the issues raised and prioritised by all groups during the community consultation, a number of themes and issues recurred:

- *Environment/Beach and Parks:*
  - There is a perceived lack of access to beaches;
  - Parks need more equipment;
  - Parks need to be properly maintained; and
  - Recycling centre needs to be established.
- *Roads/Bicycle and Pedestrian Paths/Parking:*
  - There is need for an extensive bicycle network;
  - Footpaths need to be upgraded;
  - Roads need upgrading, especially rural roads; and
  - Parking availability needs to be improved.
- *Cinemas/Shopping facilities:*
  - There is only one cinema within the area;
  - Cinema does not show up-to-date films and is poorly maintained; and
  - Shopping facilities could be upgraded.
- *Youth Facilities:*
  - There is a lack of youth recreation facilities;
  - Lack of entertainment opportunities for young people at night; and
  - Skateboarding facilities are needed in some locations.
- *Sporting facilities and services:*
  - There is a lack of sporting facilities and services in the area;
  - There is a lack of an indoor sporting facility and indoor pool;
  - Seating is a problem at some facilities for spectators; and
  - Current sporting fields and venues are not well maintained.
- *Transport:*
  - There is a lack of public transport within the Byron Shire;
  - There is a lack of transport within towns to recreation facilities and services; and
  - The high cost of transport has also been identified as an issue.
- *Government Infrastructure:*
  - Disability access within the Shire needs to be improved;
  - Accessible public toilets are required;
  - There is a need for community space and facilities;
  - There is a need for improvements to library services;
  - Street lighting needs to be improved; and
  - There is a need for cultural venues, public art and/ or and Art Gallery.

These reinforce some of the issues and priorities identified in the 1995 consultations and provides a working list for Council to approach as part of the implementation of the Social Plan. Given they also represent the perceived needs of the community now and in the future, it also provides a working list for Section 94 planning purposes.

## 4.6 Expected Development

### 4.6.1 Past Growth

Table 4.1 indicates the past population growth in the Shire. Part 4 and the *Accompanying Report* provide additional details of population growth and characteristics.

Byron Shire has experienced rapid growth over in the last 20 years. In the period 1986 to 1996 (the last census for which data are available), the population of Byron Shire experienced a 153% increase in population, which was significantly higher than the state average of 11.8%.

At the 1996 census Byron Shire Council had a total population of 27565 persons. Byron Bay/Suffolk Park was the largest urban centre with a combined population of 8658 with Ocean Shores (3002), Mullumbimby (2870) and Brunswick Heads (1835) 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.

An estimate of the 2001 population has been made and is shown in Table 4.1.

**Table 4.1: Total Population (ABS, 1996)**

Area	1976	1981	1986	1991	1996	2001	% Change 1976-1996	% Change 1996-2001
Byron Bay	2525	3187	3573	5001	6130	7125	143	16
Suffolk Park	239	681	899	1212	2528	3148	958	25
Mullumbimby	2029	2234	2434	2592	2870	3450	41	20
Brunswick Heads	1401	1790	1585	1654	1835	1995	31	9
Bangalow	564	617	656	815	896	1006	59	12
Ocean Shores	257	757	1820	2478	3002	3394	1068	13
New Brighton/South Golden Beach	154	250	380	1099	1686	1786	995	6
Rural North	2330	3734	3771	4468	4897	5083	110	4
Rural South	1415	2072	3241	3457	3721	4066	163	9
<b>Byron Shire</b>	<b>10914</b>	<b>15322</b>	<b>18359</b>	<b>22776</b>	<b>27565</b>	<b>31053</b>	<b>153</b>	<b>13</b>

Source: ABS, 1996; Byron Shire Council, 2001

### 4.6.2 Housing Trends

Table 4.2 provides a profile of housing statistics for Byron Shire in 1996. Byron Shire is characterised by a large number of separate private dwellings (76%) and a smaller number of low to medium density housing types (15%) while other dwellings (such as caravan parks and improvised homes) accounts for around 7.0% of the stock. The average occupancy rate for Byron Shire is 2.55 persons/dwelling and is reflective of the NSW State average of 2.67 persons/dwelling.

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

- Detached dwellings: 2.7 persons per dwelling
- Townhouses: 2.3 persons per dwelling
- Units:
  - 1 bedroom – 1.7 persons per dwelling
  - 2 bedrooms – 2.0 persons per dwelling
  - 3 bedroom – 2.7 persons per dwelling

Table 4.2: Housing Stock and Occupancy Rates, Byron Shire 1996

	Occupied Dwellings	Unocc	Total	%	No. in occupied dwellings	Occupancy Ratio
Separate House	7820	732	8552	75.5	21219	2.71
Semi-detached, terrace or townhouse	534	103	637	5.6	1239	2.32
Flat, Unit, or apartment	874	171	1045	9.2	1639	1.88
Other	753	39	792	7.0	1366	1.81
Not Stated	224	71	295	2.6	586	2.62
<b>TOTAL</b>	<b>10205</b>	<b>1116</b>	<b>11321</b>	<b>100</b>	<b>26049</b>	<b>2.55</b>

Source: ABS, 2001.

#### 4.6.3 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 will ultimately be 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.

Table 4.3: Population Projections: 2001-2006 and Population Capacity

Location	1996	2001	Predicted Increase 2001/2006	% Increase 2001-06	Population Capacity
Byron Bay	6130	7125	641	9	9100
Suffolk Park	2528	3148	158	5	3500
Mullumbimby	2870	3450	621	18	4650
Brunswick Heads	1835	1995	279	14	3200
Ocean Shores	3002	3394	679	20	3830
New Brighton / SG Beach	1686	1786	143	8	3000
Bangalow	896	1006	151	15	2050
Rural North	4897	5083	356	7	5700
Rural South	3721	4066	203	5	4400
<b>Total Shire</b>	<b>27565</b>	<b>31053</b>	<b>3231</b>	<b>11</b>	<b>39430</b>

Notes:

1. Population capacity based on current Byron Shire planning policies as outlined in Draft Settlement Strategies.
2. Increase in population based on historic urban and rural growth, plus existing development constraints. While the moratorium is in place, it is assumed that dual occupancies and residential development in commercial areas will largely account for the increases.
3. Total population in 2006 represents approximately 32% of total future capacity of all urban and rural areas
4. Demography and housing occupancy of population assumed to largely reflect 1996 profile

From these urban capacities, a projection has been made for each urban and rural area for the period 2001-2006. It is projected that there will be relatively modest growth in Byron Bay/Suffolk Park until the moratorium is lifted (likely in later 2003/2004) with an acceleration after that time. Other urban areas will continue to grow largely based upon their past growth profiles and location.

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. For the purposes of this CP, the following breakdown of these forms of housing have been determined based on projected dwelling approvals and with reference to differential occupancy rates for urban and rural areas (refer table 4.4):

- Detached dwellings – 65% of total new housing stock (2172 dwellings)
- Townhouses, villas, infill – 28% of total new housing stock (909 dwellings)
- Medium density/apartments – 7% of total new housing stock (233 dwellings)

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: 2001-2006 and Population Capacity**

Location	2001 Population	2006 population	Population Capacity	Additional dwelling units to capacity <sup>1</sup> .		
				Detached	Town- houses, etc	Medium density
Byron Bay	7125	7766	9100	512	235	98
Suffolk Park	3148	3306	3500	91	42	0
Mullumbimby	3450	4071	4650	311	143	29
Brunswick Heads	1995	2274	3200	312	137	51
Ocean Shores	3394	4073	3830	113	51	15
New Brighton / SG Beach	1786	1929	3000	315	139	25
Bangalow	1006	1157	2050	271	120	15
Rural North	5083	5439	5700	160	32	0
Rural South	4066	4269	4400	87	10	0
<b>Total Shire</b>	<b>31053</b>	<b>34284</b>	<b>39430</b>	<b>2172</b>	<b>909</b>	<b>233</b>

Notes:

1. Occupancy rates adopted are 2.7 persons per dwelling for detached; 2.5 for townhouses; 1.8 for medium density
2. Medium density is only allowed in certain areas

#### 4.6.4 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* – the commercial area is generally bounded by Mullumbimbi, Park, Tweed and Fingal Streets. The total zoned area within the 3(a) zone is approximately 40,000 square metres.
- *Ocean Shores* – a small shopping centre is located on Orana Road and there are shops in River Street, New Brighton.

Industrial estates are located in Byron Bay (zoned area of 43ha), Bangalow (zoned area of 2.6ha), Mullumbimby (zoned area of 20 ha) and Brunswick Heads (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. 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 2001-2006 planning period. 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 2001-2006 planning period. 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 Brunswick Heads (2,175 square metres)
  - 10% of total floorspace will occur in Bangalow (1,450 square metres)

**Table 4.5: Commercial and Industrial Capacity Figures**

	Byron Bay	Mullumbimby	Bangalow	Brunswick Heads
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>
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>
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>
Existing industrial floorspace <sup>4</sup> .	43,000 m <sup>2</sup>	20,000 m <sup>2</sup>	2,600 m <sup>2</sup>	8,000 m <sup>2</sup>
Total zoned area <sup>5</sup> .	430,000 m <sup>2</sup>	200,000 m <sup>2</sup>	26,000 m <sup>2</sup>	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>	16,000 m <sup>2</sup>

Notes:

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

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.

#### 4.6.5 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.

**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

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 Section 94 terms, 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.

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.

#### 4.7 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.

#### 4.8 Community and Cultural Facilities Strategy Plan

##### 4.8.1 Nexus Issues

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 – Community Facilities*, the *Byron Social Plan* as well as the results of community consultation undertaken as part of this review. These are discussed in detail in the *Accompanying Report*.

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.

#### **4.8.2 Current Section 94 Funds Reconciliation**

The 1993 *Byron Council Section 94 Contributions Plan – Community Facilities* adopted a schedule of works for community facilities throughout the Shire including the purchase of land at Mullumbimby, Suffolk Park, Brunswick Heads and Ocean Shores and the construction of facilities at those areas together with Byron Bay. This program is set out in Table 4.7 together with the costs as estimated in 1993.

Table 4.7 also sets out the funds in the 1993 Plan that remain to be collected. These facilities will be brought forward into the new Plan, as they are incomplete. These works may include facilities that are yet to be constructed or facilities that have been constructed for which Council will seek recoupment of funds expended.

In some instances, funds collected under the 1993 CP have been in excess of the original Plan estimate (after allowing for CPI indexation and land value escalation). In these instances of overcollection, the future expenditure will be covered by Council existing reserves rather than through additional contributions.

#### **4.8.3 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.

**Table 4.7: Current Section 94 Program and Funds**

Centre	Works	Plan Amount (\$)	% Section 94	Contributions Received	Remaining Funds to be Collected
Byron Bay	Community centre	2,000,000	21%	709,519	407,808
	Youth / Sports centre	2,000,000	21%		
	Child care centre	450,000	21%		
Suffolk Park	Pre-School	250,000	20%	111,603	5,750
Mullumbimby	Youth Centre	362,000	16%	122,029	97,847
	Pre-School Upgrade	100,000	100%		
Brunswick Heads	Pre-School	210,000	100%	10,943	199,057
Ocean Shores / New Brighton / SGB	Community Centre	1,042,500	26%	101,149	594,505
	Pre-school	316,000	100%		
<b>Total</b>		<b>6,730,500</b>		<b>1,055,242</b>	<b>1,304,967</b>

Source: Byron Shire Council, 2001

Higher order facilities are also typically provided in larger towns and include:

- High school
- Retail/commercial facilities
- Occasional care centres
- Community health centre
- Small scale government offices
- Youth services
- Private medical/dental/specialist health services
- Sports and leisure facilities
- Library

In addition to baseline facilities, a broader range of facilities that cater to more diverse needs are often provided. These threshold facilities will be provided where demand dictates or where the population reaches a certain size (threshold) that will support a facility/service. Table 4.8 outlines various community and cultural facilities needs across various target groups. 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.

The *Byron Council Section 94 Contributions Plan – Community Facilities* accepted that 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.

Table 4.8: 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	Youth worker Youth centre Targeted programs, eg. health, law, counselling etc.	Migrant worker Multicultural information & Services Translator service
Before/After School Care Vacation Care Holiday Programs Other eg. toy library, baby sitting co-ops etc.	<b>AGED/DISABLED SERVICES</b>	<b>EMERGENCY SERVICES</b>
	Specific worker & programs Accom. eg. aged units HACC eg. Meals on Wheels Home Care Special Transport	Policy Ambulance NSW Fire Brigade Bush Fire Brigade 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	Dept of Social Security Dept of Community Services Post Office Telecom Medibank Commonwealth Employment Service

#### 4.8.4 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. Detailed inventories of existing supply are presented in the *Accompanying Report*.

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.

#### **4.8.5 Community and Cultural Facilities Plan**

The proposed works program for Community and Cultural Facilities is outlined in Appendix A. 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 4.10 while the following provides an explanation of the costs and apportionment where required:

- **Children's Services**  
Facilities have been provided ahead of demand in Byron Bay and Brunswick Heads and Council intends to recoup these costs. Facilities proposed in the 1993 CP in Suffolk Park, Mullumbimby and Ocean Shores remain to be constructed and are transferred to this CP with an updated cost.
- **Youth Services**  
Youth services are proposed to be provided through the embellishment of existing facilities rather than the construction of a new facilities. The facility proposed in the 1993 CP for Mullumbimby will be provided through redevelopment of the former civic centre while the facility at Byron Bay will be included in the community centre, which is proposed to be redeveloped. The youth facility at Ocean Shores will be provided through embellishment of the existing community centre. 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 5,377 books 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 Brunswick 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.

#### **4.8.6 Program Costs**

The total cost for the above works program is set out in Table 4.10. These costs have been based on the development of the facilities outlined in the program and have been costed using Rawlinsons cost guide.

#### **4.8.7 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.

#### **4.8.8 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 4.9: Community and Cultural Facilities Strategy: 2001-2006

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. Provide for expressed needs for improved community spaces. Upgrade existing facilities in vicinity of town centre area.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Existing community centre to be further embellished / improved in conjunction with community groups</li> <li>Provide additional walkways and improve street lighting/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 demand</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 centre</li> <li>Existing community spaces (Alcorn Street and Broken Head Hall) provide some space.</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 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 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 community groups</li> <li>Provide additional walkways.</li> <li>Improve street lighting and furniture.</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
Mullumbimby	<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 and improvements for library</li> </ul>
Brunswick Heads	<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 community groups</li> <li>Provide additional walkways.</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
Bangalow		<p>Stand alone youth centre not justified although some services required.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Incorporate youth services within community centre facility</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> <p>Embellish community centre (A&amp;I Hall) to provide for needs. Provide additional walkways in urban areas (See also Community Centres and Spaces)</p>	<p>Services/facilities provided by Council cater to needs.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Provide diverse services within community centre.</li> </ul>	<p>Provide for target group needs.</p> <p>Provide for expressed needs for improved community spaces.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish community centre</li> <li>Provide additional walkways.</li> </ul>	<p>Library facilities at Brunswick Heads and Byron Bay to cater to needs</p> <p><b>Strategy Plan:</b></p> <p>Utilise existing library facilities at Brunswick Heads and Byron Bay</p>
Ocean Shores/ New Brighton / South Golden Beach	<p>Pre-school at South Ocean Shores still required.</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>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 existing community 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>Embellishment of the existing community centre facilities will cater to existing and future needs.</p> <p>Provide for expressed needs for improved community spaces.</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Embellish community centre</li> <li>Provide additional walkways.</li> </ul>	<p>Library facilities at Brunswick Heads and Byron Bay to cater to needs</p> <p><b>Strategy Plan:</b></p> <ul style="list-style-type: none"> <li>Utilise existing library facilities at Brunswick Heads and Byron Bay</li> </ul>

Table 4.10: Community and Cultural Facilities Program

Location	Proposed Works	% S94	S94 Cost (\$)
Shire Facilities	• Byron library improvement / redevelopment (shire-wide)	30	\$877,200
	• Remaining funds to be collected (shire wide)	100	\$224,523
	• Mullumbimby library improvement (shire-wide)	100	\$181,800
	• Brunswick Heads library improvement (shire-wide)	100	\$156,800
	<i>Total</i>		<i>\$1,440,323</i>
Byron Bay Suffolk Park	• Embellish community centre following completion of upgrade	100	\$250,000
	• Upgrade existing community centre in vicinity of town area	100	\$183,285
	• Remaining funds to be collected (pre-school)	100	\$5,750
	• Upgrade child care centre	100	\$50,000
	• Broken Head Hall	100	\$50,000
<i>Total</i>		<i>\$539,035</i>	
Mullumbimby	• Remaining funds to be collected	100	\$97,847
	• Upgrade Mullumbimby Civic Hall/Neighbourhood Centre	100	\$250,000
	<i>Total</i>		<i>\$347,847</i>
Brunswick Heads	• Remaining funds to be collected	100	\$199,057
	• Existing community centre to be upgraded	100	\$75,000
	<i>Total</i>		<i>\$274,057</i>
Bangalow	• Embellish community centre	51	\$153,000
	• Heritage House upgrade	51	\$51,000
	<i>Total</i>		<i>\$204,000</i>
Ocean Shores/ New Brighton / South Golden Beach	• Remaining funds to be collected	100	\$594,505
	• Upgrade community centre	100	\$150,000
	<i>Total</i>		<i>\$744,505</i>
Rural North	• Improvements to halls	100	\$150,000
Rural South	• Improvements to halls	100	\$80,000

The shire wide facility contribution is:

C = \$1,215,800

E = \$224,523

P = 8,677 (population increase of 8,377 plus tourist beds increase of 300)

Thus,

$$\frac{\$1,440,323}{8677}$$

= \$165.99 per person

Local contributions are based on the proposed works divided by the incoming population. The shire and local contributions are set out in Table 4.11. 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.

**Table 4.11: Contributions – Community and Cultural Facilities**

Catchment	Population Increase	Tourist Beds	Contribution Rates (per person)		
			Shire Wide	Local	Total
Byron Bay/Suffolk Park	2327	150	\$165.99	\$217.62	\$383.61
Mullumbimby	1200	25	\$165.99	\$283.96	\$449.95
Brunswick Heads	1205	25	\$165.99	\$222.81	\$388.80
Bangalow	1044	25	\$165.99	\$190.83	\$356.82
Ocean Shores/ New Brighton / South Golden Beach	1650	25	\$165.99	\$444.48	\$610.47
Rural North	617	25	\$165.99	\$233.64	\$399.63
Rural South	334	25	\$165.99	\$222.84	\$388.83

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.

#### 4.9 Open Space and Leisure Facilities

##### 4.9.1 Nexus Issues

The 1993 *Byron Council Section 94 Contributions Plan – Open Space* adopted a series of population catchment standards for the provision of various open space facilities. These standards are contained within Appendix 1 of the Open Space Plan, and specify an area standard for the provision of open space (termed “passive” and “active”) against population thresholds. This then is used as the basis for assessing demand for a facility (such as playspace or sporting field).

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 – Open Space*, 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 as part of this review.

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.

#### **4.9.2 Needs and Demands**

An analysis of recreation demand in the Byron area (refer *Accompanying Report*) 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 4.12 outlines the major needs of various target groups for open space and leisure facilities.

#### **4.9.3 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. Detailed inventories of existing supply are presented in the *Accompanying Report*.

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)

Table 4.12: 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

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

The present per capita levels of open space provision are as follows:

- *Local open space:* 21.1 m<sup>2</sup>
- *District open space:* 20.1 m<sup>2</sup>
- *Sportsfields:* 12.2 m<sup>2</sup>
- *Environmental/regional open space:* 206 m<sup>2</sup>

Using these rates, Table 4.13 outlines the required land supply each urban zone to meet the needs of the population capacities. Based on the figures derived from the inventory and the population, the per capita provision was calculated. This calculation yields the following results:

- ***Local open space:*** 17.6 hectares. Based on a size of 0.5-0.75 hectares, this would equate to an additional 24-27 parklands and local open space settings.
- ***District open space:*** 16.8 hectares. Based on a size of 1.5-3.0 hectares, this would equate to an additional 6-11 district open space settings.
- ***Sportsfields:*** 10.2 hectares. Based on an average size of 3 hectares, this would equate to an additional 3 sportsfields.

While these gross figures may appear to lead to a large supply of additional open space, there will be an emphasis in this plan of embellishing existing reserves rather than accumulating additional open space areas. There are also facilities to be provided under the previous CP that have not yet been provided which also need to be considered in the overall facilities plan.

Accordingly this approach will take account of the gross demand but discount the provision of land for open space where the land exists but has not been sufficiently embellished to function within the designated open space categories. This will lead in some cases of a larger allocation of funds for embellishment rather than acquisition.

**Table 4.13: Open Space Provision – Continuation of Current Standards**

Area	Capacity Pop Increase	Local Open Space (m <sup>2</sup> )	District Open Space (m <sup>2</sup> )	Sportsfields (m <sup>2</sup> )
Byron Bay/ Suffolk Park	2327	49,100	46,773	28,389
Mullumbimby	1200	25,320	24,120	14,640
Brunswick Heads	1205	25,426	24,221	14,701
Ocean Shores/ New Brighton/South Golden Beach	1650	34,815	33,165	20,130
Bangalow	1044	22,028	20,984	12,737
Rural North	617	13,019	12,402	7,527
Rural South	334	7,047	6,713	4,075
Total Shire	8377	176,755	168,378	102,199

#### 4.9.4 Program Costs

The total cost for the works program is set out in Tables 4.14 and 4.15. The proposed works program for Open Space is outlined in Appendix A. Negative figures in the tables represent facilities for which excess contributions have been collected. In these instances, Council will fund future Section 94 works from existing reserves to cover these overcollections.

**Table 4.14: Open Space Program – Local Open Space**

Location	Proposed Works	% S94	Cost (\$)
Byron Bay/ Suffolk Park	<ul style="list-style-type: none"> <li>• Remaining funds to be collected</li> <li>• Local parks embellishment</li> <li>• Embellish existing parks</li> <li>• Land acquisition</li> <li>• Remaining funds to be collected</li> <li>• Embellish existing parks</li> </ul>	100	\$824,184 \$425,055 \$283,370 \$900,000 \$114,591 \$126,260
Mullumbimby	<ul style="list-style-type: none"> <li>• Remaining funds to be collected</li> <li>• Local parks embellishment</li> <li>• Embellish existing parks</li> <li>• Land acquisition</li> </ul>	100	\$190,034 \$344,350 \$86,100 \$250,000
Brunswick Heads	<ul style="list-style-type: none"> <li>• Remaining funds to be collected</li> <li>• Embellishment</li> </ul>	100	\$999,089 \$151,280
Bangalow	<ul style="list-style-type: none"> <li>• Remaining funds to be collected</li> <li>• Local parks embellishment</li> <li>• Land acquisition</li> </ul>	100	-\$110,509 \$374,475 \$300,000
Ocean Shores/ New Brighton / Sth Golden Beach	<ul style="list-style-type: none"> <li>• Remaining funds to be collected</li> <li>• Local parks embellishment</li> <li>• Land acquisition</li> </ul>	100	\$338,349 \$591,850 \$250,000
Rural North	<ul style="list-style-type: none"> <li>• Embellish existing parks</li> </ul>	100	\$221,500
Rural South	<ul style="list-style-type: none"> <li>• Embellish existing parks</li> </ul>	100	\$119,800
<b>TOTAL</b>			<b>\$6,779,778</b>

Notes:

1. Negative figures represent overcollections due to population growth exceeding previous expectations. Council will transfer funds into the new program from its non-Section 94 reserves to make up for this overcollection

Table 4.15 Open Space Program – District/Structured Open Space

Location	Proposed Works	% S94	Cost (\$)
Byron Bay	<ul style="list-style-type: none"> <li>Remaining funds to be collected</li> <li>Structured open space acquisition/embellishment</li> </ul>	100	-\$251,492 \$981,900
Suffolk Park	<ul style="list-style-type: none"> <li>District park</li> <li>Remaining funds to be collected</li> <li>Structured open space embellishment</li> <li>District park</li> </ul>		\$595,455 -\$64,373 \$30,060 \$106,125
Mullumbimby	<ul style="list-style-type: none"> <li>Remaining funds to be collected</li> <li>District/structured acquisition/embellishment</li> </ul>	100	\$331,919 \$500,000
Brunswick Heads	<ul style="list-style-type: none"> <li>Structured embellishment</li> <li>District park</li> </ul>	100	\$200,000 \$100,000
Bangalow	<ul style="list-style-type: none"> <li>Structured open space acquisition/embellishment</li> </ul>	100	\$550,000
Ocean Shores/ New Brighton / Sth Golden Beach	<ul style="list-style-type: none"> <li>Remaining funds to be collected</li> <li>Structured open space embellishment</li> </ul>	100	\$92,485 \$300,000
<b>TOTAL</b>			<b>\$3,472,079</b>

#### 4.9.5 Apportionment of Works

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.

#### 4.9.6 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.

$$\text{Contribution} = \frac{\text{CLR} + \text{E}}{\text{RESC}}$$

Where:

- CLR – is the cost of local reserves attributed to that catchment;
- E – is the outstanding contributions for facilities brought forward;
- RESC – is the number of residents/tourists in that catchment;

The shire wide facility contribution is:

$$\begin{aligned} \text{CLR} &= \$3,363,540 \\ \text{E} &= \$108,539 \\ \text{P} &= 8,677 \text{ (population increase of 8,377 plus tourist beds increase of 300)} \end{aligned}$$

Thus,

$$\begin{aligned} &\frac{\$3,472,079}{8677} \\ &= \$400.15 \text{ per person} \end{aligned}$$

Local contributions are based on the proposed works divided by the incoming population. The shire and local contributions are set out in Table 4.16.

**Table 4.16: Contributions – Open Space and Leisure Facilities**

Catchment	Population Increase	Tourist Beds	Contribution Rates (per person)		
			Shire Wide	Local	Total
Byron Bay/Suffolk Park	2327	150	\$400.15	\$1079.31	\$1,479.46
Mullumbimby	1200	25	\$400.15	\$710.60	\$1,110.75
Brunswick Heads	1205	25	\$400.15	\$935.26	\$1,335.41
Bangalow	1044	25	\$400.15	\$527.56	\$927.71
Ocean Shores/ New Brighton / South Golden Beach	1650	25	\$400.15	\$704.60	\$1,104.75
Rural North	617	25	\$400.15	\$345.02	\$745.17
Rural South	334	25	\$400.15	\$333.71	\$733.86

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 (viz commercial/retail development, industrial development, quarries) will not be subject of a levy for these facilities.

## 4.10 Traffic, Parking and Movement Systems

### 4.10.1 Nexus Issues

The 1993 *Byron Council Section 94 Contributions Plan – Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads, Street Tree Planting* adopted a series of population catchment standards for the provision of various facilities. These standards are contained within the various sections of the CP dealing with the facilities.

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 1993 *Byron Council Section 94 Contributions Plan – Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads, Street Tree Planting*, 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.

#### 4.10.2 Supply vs Demand

An assessment has been made of the existing level road networks in the Shire and in each catchment and urban area. Detailed of existing roads is presented in the *Accompanying Report*.

#### 4.10.3 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.

#### 4.10.4 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 over the period 1992 and 2001 across all roads was approximately 33%. This correlates closely with the increase in population of around 36% (1991 to 2001) as detailed in Section 2.0.

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 trips per dwelling; average 5 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 105,000. Together with trips generated by commercial and industrial land uses indicate there may be up to 127,750 trips generated in the local government area in 2001.

#### 4.10.5 Future Traffic Growth

Assuming an additional 8677 residents and tourists to capacity and the dwelling forecast, the capacity population would result in an additional 3,314 dwellings. It is estimated that an additional 300 tourist beds will be created in this time. The increase in commercial floorspace to 2006 would equate to 20,000 square metres of floorspace while industrial floorspace increase to capacity would be 45,000 square metres.

Overall, it is estimated that 32,735 additional trips would be generated by future development.

**Table 4.17: Predicted Trip Growth: Byron Shire<sup>1</sup>.**

Location	Population Increase 2001-2006	Population Capacity	Existing Total Traffic (trips) <sup>2</sup>	Projected Traffic Increase – trip <sup>3</sup>	
				2001-2006	Capacity
Byron Bay	641	9100	22250	2100	30000
Suffolk Park	158	3500	9300	550	11500
Mullumbimby	621	4650	13500	2100	15300
Brunswick Heads	279	3200	7500	920	10500
Ocean Shores	679	3830	7500	2250	12600
New Brighton/South Golden Beach	143	3000	6400	500	9800
Bangalow	151	2050	3900	500	6600
Rural North	356	5700	18400	1200	18750
Rural South	203	4400	15500	680	14500
Commercial Development (all areas)	NA	NA	20000	6000	18000
Industrial Development (all areas)	NA	NA	3500	2000	7000
<b>Byron Shire</b>	<b>3231</b>	<b>39430</b>	<b>127750</b>	<b>18800</b>	<b>154550</b>

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 potential growth in traffic is based on the following assumptions:

- Population growth will continue at slightly lower levels than the past 5 years. The majority of traffic growth (80%) is attributable to residential dwelling growth.
- The moratorium in Byron Bay will be lifted around 2003/4 and growth in Byron Bay will jump to around 5% per annum after that.
- The Byron Bay by-pass is constructed post-2004.

- 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.

Table 4.18 outlines the anticipated traffic growth for main collector roads for the urban areas of the Shire. The increases in traffic are based on population growth discussed earlier in Section 2.0 as well as an allowance for increased

This indicates that most urban 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 4.18: Predicted Traffic Growth: Urban Roads, 2001 - 2006**

Location	Projected SDU Increase 2001-2006 <sup>1</sup>	Roads	Projected Traffic 2001	Predicted Traffic 2006 <sup>2</sup>	Traffic Change 2001-2006 (%)
Byron Bay	237	Ewingsdale Road/Shirley Street	11048	12700	15%
		Lawson Street	15060	15800	5%
		Jonson Street	19437	21380	10%
		Bangalow Road	17986	20700	15%
Suffolk Park	59	Broken Head Road	12489	15000	20%
Mullumbimby	230	Main Road	7965	9450	18%
		Burringbar Street	9943	11450	15%
		Jubilee Avenue	5954	6700	17%
		Main Arm Road	5708	6450	12%
Brunswick Heads	103	Tweed Street	5500	6050	10%
		South Beach Road	1701	1955	15%
Ocean Shores	252	Shara Avenue	2234	2750	23%
		Balemo Drive	923	1175	27%
		Orana Road	2843	3480	23%
		Rajah Road	5213	6420	23%
New Brighton/South Golden Beach	53	Strand Avenue	2921	3359	15%
		Redgate Road	1249	1436	15%
Bangalow	56	Bangalow Road	2310	2750	19%
		Byron Street	2500	2750	10%
		Rifle Range Road	2000	2200	10%
		Raftons Road/Keith Street	1500	1650	10%

Source: Byron Shire Council, 2001

Notes:

1. It is assumed that each SDU generates around 9 trips per day to make allowance for commercial, tourist and other development.
2. Assumes 80% of traffic generated by residential development. An allowance is made for commercial, tourist and industrial traffic at 20% of total traffic

#### 4.10.6 Urban and Rural Roads

For the purposes of this study, the study area has been further subdivided into traffic zones that approximate the existing urban areas. These will allow Council to differentiate specific road upgrading improvement programmes as and when they arise.

The costs for improvements to the road network are shown in Tables 4.19 and 4.20. 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 fund. Consequently, these works can be subject to Section 94 levies.

#### 4.10.7 Apportionment of Works

Tables 4.19 and 4.20 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.

**Table 4.19: Urban Road Upgrading Needs**

Location	Roads	Proposed Works	S94 (%)	Apportioned Cost (\$ '000)
Byron Bay	Byron Bay bypass	Staged construction of bypass	27	810
	Ewingsdale Road/Bayshore Dr	Roundabout	75	562.5
	Shirley Street	Upgrade to four lanes from Kendall Street to Butler Street	45	337.5
	Tennyson Street	Extension through to Lawson Street and roundabout	75	450
	Lawson Street	Southern pavement extension Roundabout adjustments (Fletcher/Jonson)	75	307.5
	Jonson Street	Traffic management – medians	75	45
	Shirley Street/Butler Street	Roundabout	75	562.5
	Bangalow Road	Extension of by pass to Cemetery Rd	27	810
	Town centre	Traffic management measures	80	560
Suffolk Park	Broken Head Road	Roundabout	100	500
	Broken Head Road	Upgrading	100	500
Mullumbimby	Mullumbimby Road	Roundabout (Manns Rd)	75	375
	Burringbar Street	Roundabout (Station St)	75	375
	Jubilee Avenue	Realign golf course corner	75	75
	Main Arm Road	Roundabout (Manns Rd)	75	562.5
	Town centre/various	Traffic management measures	75	150
Brunswick Heads	Town centre Streets (Mullumbimbi, Fingal, Park, The Terrace)	Traffic management	75	56.25
	South Beach Road	Pavement rehabilitation	75	75
Bangalow	Bangalow Road	Traffic management	75	112.5
	Ballina Road	Traffic management	75	150
	Rifle Range Road	Upgrade rail underpass Turning lane off MR 65	75	112.5
	Granuaille Road	Traffic management	75	562.5
Ocean Shores / New Brighton / South Golden Beach	Shara Avenue	Traffic management	75	37.5
	Balemo Drive	Traffic management	75	16.5
	Orana Road	Traffic management	75	37.5
	New Brighton Road	Traffic management	75	18.75
All areas	Remaining funds to be collected	Various	100	1,624
<b>TOTAL</b>				<b>9784.6</b>

Note: Traffic growth has been based on projected population growth and distributed on roads according to existing use patterns. Figures may be affected by rounding.

Table 4.20: Rural Road Upgrading Needs

Settlement Area	Road	Proposed Works	% S94	Cost (\$'000)
Upper Main Arm/Main Arm	Main Arm Road	Widening/shoulder improvements	100	1,076
Federal/ Coorabell	Federal Rd	Widening/shoulder improvements	100	862.5
	Monte Collum Rd	Widening/shoulder improvements	100	725
	Coolamon Scenic Dr	Widening/shoulder improvements	100	2,213
	Charltons Rd	Widening/shoulder improvements	100	357
	Coorabell Rd	Widening/shoulder improvements	100	1,095
Eureka/Clunes	Federal Rd	Widening/shoulder improvements	100	870
	Binna Burra Rd	Widening/shoulder improvements	100	777
	Eureka Rd	Widening/shoulder improvements	100	762
Natural Lane	Natural Lane	Widening/shoulder improvements	100	905
Broken Head	Broken Head Rd	Widening/shoulder improvements	100	382
Coopers Shoot/Ewingsdale	McGettigans Lne	Widening/shoulder improvements	100	137
<b>Total</b>				<b>10,161.5</b>

Note: Rural residential development is assumed to generate 10 trips per lot. Rural residential development typically has a higher trip generation because vehicles are heavily relied upon and there is also a higher occupancy level

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 27% 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.

#### 4.10.8 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:

$$TC = \$19,946,099$$

$$NT = 32,735$$

Thus,

$$C = \frac{19,946,099}{32,735}$$

$$= 609.32/\text{trip}$$

Based on the likely future trip generation, the rate adopted is \$609.32 per 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*.

#### 4.10.9 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

## 4.11 Car Parking

### 4.11.1 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 1993 *Byron Council Section 94 Contributions Plan – Bikeways, Bushfire Brigade, Car Parking, Road Upgrading, Rural Roads, Street Tree Planting*, 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 undertaken as part of this review.

### 4.11.2 Car Parking Demand

Demand for car parking is a function of increased population growth and new retail/commercial development. Table 4.21 shows the projected housing and retail/commercial development anticipated in each urban area where Council provides car parking.

**Table 4.21: 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, etc	Medium density		
Byron Bay	9100	512	235	98	11750	510
Mullumbimby	4650	311	143	29	3000	125
Brunswick Heads	3200	312	137	51	3000	125
Bangalow	2050	271	120	15	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.

### 4.11.3 Apportionment of Works

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.

#### 4.11.4 Evaluation and Costing of Improvements

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

- Ground level - \$2,500 per space
- Multilevel - \$15,000 per space

Table 4.22 outlines the potential costs for the various options discussed above. The costs are inclusive of the existing CP car parking facility costs.

**Table 4.22: Car Parking Acquisition and Construction Costs<sup>1</sup>**

Area	Works	New Development Responsibility (%)	Apportioned Cost (\$ '000)	Number of new spaces
Byron Bay	Lawson Street upgrade; new land acquisition	100%	\$8,182.9*	250
Mullumbimby	Station Street upgrade; Gordon Street	80%	\$460.8*	50
Brunswick Heads	Tweed Street; street parking upgrade	100%	\$1,496.9*	100
Bangalow	Seal, mark and upgrade Station Street and Byron Street car parks	60%	\$824.9*	86

Notes:

1. All costs are preliminary and subject to detailed review after concept plans prepared. Includes land costs where indicated \* as well as costs of works to complete

The formula for car parking contribution plans is as follows:

$$C = TC/NC$$

Where:

- C is the Section 94 levy expressed as a per trip 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 4.23: Contributions – Car Parking**

Catchment	New spaces	Contribution Rates (per space)
Byron Bay	250	\$32,731.60
Brunswick Heads	100	\$14,969.21
Mullumbimby	50	\$9,215.52
Bangalow	86	\$9,592.04

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 car parking 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*.

## 4.12 Cycleways

### 4.12.1 Nexus Issues

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.

### 4.12.2 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 1993 CP 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.

### 4.12.3 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 27% 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 4.24: Section 94 Program – Cycleways<sup>1</sup>

Location	Route/s Identified	Remaining funds to be collected (\$)
Byron Bay / Sunrise Beach	Bangalow Rd(Mackey to Keas St), Tennyson St (Browning to Carlyle St), Middleton St (Carlyle to Bay St), Bay St (Middleton to Jonson St), Lawson St (Middleton to Jonson St), Lighthouse Rd (Messenger to Lighthouse), Butler/Burns St, Cemetery Road Shirley St(Railway to Kendall St), Ewingsdale Rd (Kendall to Belongil), Bridge at Belongil, Ewingsdale Rd (Belongil to Bayshore Dr)	453,098
Suffolk Park	Clifford St,Alcorn St, Alcorn to Broken Head Rd, Jarman St, Tallow Beach Resort Area, Broken Hd Rd(Baywood Chase to High School), Two pedestrian crossings Broken Hd Rd	
Mullumbimby	Argyle St (Manns Rd), Morrison Avenue, Crown St, Queen St, Station St, Tincogan St, Coolamon Scenic Drive, Main Arm Rd, Brunswick Terrace/River Terrace, Jubilee Avenue, Left Bank Rd	225,751
Brunswick Heads	Park St(Nana/Mullumbimby), Fawcett St, South Beach Rd, Pacific Highway(Fawcett to Bridge), Bayside Way to Bowling Club, Bowling Club to Tennis Courts	125,979
Bangalow	Raftons Rd/Leslie St, Deacon St, Roundabout to Tennis Crts Via School, Pacific Highway (South)	92,393
Ocean Shores	Pacific Highway (Brunswick to Bridge), Bridge to Rajah Rd, Rajah Rd, Orana Rd, Shara Boulevarde, The Esplanade/River St, Redgate Rd/Beach Avenue, Rangal Rd/Kallaroo Circuit, Kolora Way/Shara Boulevarde, Lookout Walkway	106,417

Notes:

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

#### 4.12.4 Calculation of Contributions

The works proposed in each urban area are detailed in Table 4.24 while the formula for cycleway contributions 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

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

- Byron Bay/ Suffolk Park – \$453,098/2327 = \$194.71/person
- Mullumbimby - \$225,751/1200 = \$188.13/person
- Brunswick Heads – \$125,979/1205 = \$104.55/person
- Bangalow - \$92,393/1044 = \$88.50/person
- Ocean Shores/ New Brighton/South Golden Beach - \$106,417/1650 = \$64.50/person

The contributions are shown in the Table 4.25. 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.

**Table 4.25: Contributions – Cycleways**

Catchment	Population Increase	Contribution Rates
		Per person
Byron Bay/ Suffolk Park	2327	\$194.71
Mullumbimby	1200	\$188.13
Brunswick Heads	1205	\$104.55
Bangalow	1044	\$88.50
Ocean Shores/ New Brighton / South Golden Beach	1650	\$64.50

#### 4.13 Civic and Urban Improvements

##### 4.13.1 Nexus Issues

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.

##### 4.13.2 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 4.26 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.

**Table 4.26: Population and Employee Growth**

Location	Population Increase	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	1975	11500	359	6750	84
Suffolk Park	352	250	8	0	0
Mullumbimby	1200	3000	94	4500	56
Brunswick Heads	1205	3000	94	2250	28
Ocean Shores	436	0	0	0	0
New Brighton / SG Beach	1214	0	0	0	0
Bangalow	1044	1500	47	1500	19
Rural North	617	0	0	0	0
Rural South	334	0	0	0	0
Total Shire	8377	20000	602	15000	188

Notes:

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

These are (refer Table 4.27 for costs):

- **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
- **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
- **Brunswick Heads:**
  - Street furniture: additional seating, rubbish bins and signage
  - Walkways and footpath improvements
  - Landscaping within town centre

- **Bangalow:**
  - Street furniture: additional seating, rubbish bins, notice boards and signage
  - Provide public toilets
  - Walkways and footpath improvements
- **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
- **Rural Areas:**
  - Street furniture: additional seating, rubbish bins, bike racks, notice boards and signage in villages
  - Walkways and footpath improvements
  - Street landscaping

#### 4.13.3 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.

**Table 4.27: Civic and Urban Improvement Works**

Centre	Works	Cost (apportioned)
Byron Bay/Suffolk Park	• Town centre Works: seating, lighting rubbish bins, bike racks, notice boards and signage	\$450,000
	• Jonson Street upgrade	\$672,500
	• Upgrade public toilets	\$100,000
Mullumbimby	• Additional seating, rubbish bins, notice boards and signage	\$300,000
	• Upgrade public toilets	\$100,000
	• Improve walkways and footpaths	\$225,000
Brunswick Heads	• Additional seating, rubbish bins and signage within town centre and Beach Road area	350,000
	• Improve walkways and footpaths	\$250,000
Bangalow	• Additional seating, rubbish bins, notice boards and signage	\$200,000
	• Provide public toilets	\$100,000
	• Improve walkways and footpaths	\$225,000
Ocean Shores/New Brighton/South Golden Beach	• Improve walkways and footpaths	\$250,000
	• Street landscaping	\$175,000
Rural Villages	• Walkways and footpaths, street landscaping	\$220,000
<b>TOTAL</b>		<b>\$3,617,500</b>

#### 4.13.4 Calculation of Contributions

The formula for civic and urban improvements is as follows:

$$C = \frac{TC}{NP + EMP}$$

Where:

- C is the Section 94 levy
- TC is the total cost of the work
- NP is the additional new population including tourist numbers

EMP is the estimated employees in each area based on future commercial and retail development

The contribution rates are set out in Table 4.28. 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 leasable area for commercial, retail and industrial development.

**Table 4.28: Contributions for Civic and Urban Improvements**

Centre	Cost (\$'000)	Population /tourist Growth	Employee Growth	Residential (per person)	Contribution		
					Com (per m <sup>2</sup> )	Retail (per m <sup>2</sup> )	Indust (per m <sup>2</sup> )
Byron Bay/Suffolk Park	\$1,222.5	2477	451	\$417.52	\$20.88	\$10.44	\$5.22
Mullumbimby	\$625	1225	150	\$454.55	\$22.73	\$11.36	\$5.68
Brunswick Heads	\$600	1230	122	\$443.79	\$22.19	\$11.09	\$5.55
Bangalow	\$525	1069	66	\$462.56	\$23.13	\$11.56	\$5.78
Ocean Shores/New Brighton/South Golden Beach	\$425	1675	0	\$253.73	\$0	\$0	\$0
Rural Areas	\$220	1001	0	\$219.78	\$0	\$0	\$0

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 leasable area.

#### 4.14 Shire Support Facilities

##### 4.14.1 Nexus Issues

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.

#### 4.14.2 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.

Discussions with Council have indicated that the following capital expenditure will be required to meet the demand of the future population:

- Upgrading equipment in all brigades - \$150,000
- Additional vehicle - \$100,000
- Bushfire fighting works brought forward - \$13,566
- Byron SLSC – upgrade emergency facilities and administrative equipment: \$40,000
- Brunswick SLCC – emergency gear and facilities and administrative equipment: \$40,000

#### 4.14.3 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.

#### 4.14.4 Calculation of Contributions

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

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

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

For bushfire fighting purposes, the levy is calculated as follows:

$$\begin{aligned} C &= \frac{263,566}{951} \\ &= \$277.15 \text{ per person} \end{aligned}$$

The contribution for bushfire fighting purposes will be sought for the following types of development that generates demand and leads to demand for improvement or upgrading of existing or future rural fire fighting services:

- Tourist facilities (rural areas).
- 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.

For surf lifesaving purposes, the levy is calculated as follows:

$$C = \frac{80,000}{7426}$$

= \$10.77 per person

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 in Table 4.29.

**Table 4.29: Contributions – Bushfire Fighting and Surf Lifesaving Facilities**

Catchment	Population Increase	Contribution Rates (per person)	
		Bushfire Fighting	Surf Lifesaving
Byron Bay/Suffolk Park	2327	\$0	\$10.77
Mullumbimby	1200	\$0	\$10.77
Brunswick Heads	1205	\$0	\$10.77
Bangalow	1044	\$0	\$10.77
Ocean Shores/ New Brighton / South Golden Beach	1650	\$0	\$10.77
Rural North	617	\$277.15	\$0
Rural South	334	\$277.15	\$0

## 4.15 Administration

### 4.15.1 Nexus Issues

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.

#### 4.15.2 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.

#### 4.15.3 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 - \$150,000 per annum x 5 years = \$775,000
- Professional costs - \$100,000 per annum x 5 years = \$500,000

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,

$$C = \frac{1,577,677 + 775,000 + 500,000}{9466}$$

$$= 301.36$$

Based on the likely incoming population, this would equate to a rate of \$301.36 per person. Table 4.30 sets out the contributions for each area.

**Table 4.30: Contributions – Administration**

Location	Population Increase	Tourist Beds	Employment Growth	Contribution			
				Residential (per person)	Com (per m <sup>2</sup> )	Retail (per m <sup>2</sup> )	Indust (per m <sup>2</sup> )
Byron Bay / Suffolk Park	2,327	150	451	\$301.36	\$15.07	\$7.53	\$3.77
Mullumbimby	1,200	25	150	\$301.36	\$15.07	\$7.53	\$3.77
Brunswick Heads	1,205	25	122	\$301.36	\$15.07	\$7.53	\$3.77
Bangalow	1,044	25	66	\$301.36	\$15.07	\$7.53	\$3.77
Ocean Shores/ New Brighton / Sth Golden Bch	1,650	25	0	\$301.36	\$15.07	\$7.53	\$3.77
Rural North	617	25	0	\$301.36	\$15.07	\$7.53	\$3.77
Rural South	334	25	0	\$301.36	\$15.07	\$7.53	\$3.77

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 leasable 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 leasable 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:

- Department of Urban Affairs and Planning, *Section 94 Manual*, 1997
- DUAP Review of Section 94, 1999
- Urban Development Institute of Australia, *Review of Section 94, Submission to the Department of Urban Affairs and Planning*.
- Local Government and Shire Association of New South Wales, *Review of Section 94, Submission to the Department of Urban Affairs and Planning*.
- Department of Urban Affairs and Planning, *Outdoor Recreation and Open Space Planning Guidelines for Local Government* (NSW DUAP, 1992).
- 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, *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 Planning, *Non Metropolitan Population Projections*, 1998
- Abnett Consulting & Realty Research, *Final Report on the Byron Bay, Suffolk Park, Ewingsdale and Brunswick Heads Tourism Capacity Study*, June 1999
- TTM Consulting Pty Ltd, *Byron Bay Traffic Study: Town Centre By pass and Road Network Investigations*, 1993
- 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
- Geolink, *Jonson & Lawson Streets Feasibility Study Summary*, 1998
- PPK, *Byron Bay Town Centre Bypass EIS*, November 1998
- Balanced Systems Planning Consultants, *Comparative Feasibility Assessment of Two Nominated Sites for Sporting Field Development at North Byron Shire*, June 2000