



Byron Shire Council

Section 94 Plan – Broken Head

#551255

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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.

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 to 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 Department of Infrastructure Planning and Natural Resources (previously Planning NSW) *Section 94 Manual*. It comprises all relevant statutory information required for applicants, outlines relevant issues such as nexus and apportionment as well as formulas and contributions rates to be adopted by Council. As such, it fulfils the above principles for the establishment of a CP.

2 Purpose of the Plan

The purpose of this Plan is provide for the levying of section 94 contributions at the local or sub-catchment level in the Broken Head area as identified in the Byron Rural Settlement Strategy (BRSS) 1998. New rural landsharing/Community Title development permitted under the BRSS will generate a demand for certain local community facilities in addition to those facilities identified at a broader catchment level in Council's existing contributions plan. This Plan provides for the levying of a contribution for local community facilities in addition to those contributions for community facilities identified in the

relevant sections of Byron Shire Council's adopted Development Contributions Plan 2001-2006. This Plan is to be read in conjunction with the Byron Shire Contributions Plan 2001-2006.

3 Commencement of the Plan

This Plan was adopted by Council on 11 October 2005 and came into effect on 20 October 2005.

4 Land to which the Plan applies

This Plan applies to land identified on Plan P5.1.

5 Relationship between expected types of development in the area and the demand for additional public amenities to meet that development

The Byron Rural Settlement Strategy 1998 identifies certain areas within Broken Head that may be suitable for rural landsharing/Community Title development. It is anticipated that new rural landsharing/Community Title development will generate a demand for new community facilities at the local level in addition to the higher order level of services and facilities that have been identified at the broader catchment level in Council's Development Contributions Plan 2001-2006.

The facilities in this Plan have been identified having regard to the likely nature of future development in the area and in consultation with local community organisations such as the Broken Head Hall Committee. They will be required as a consequence of new development in the Broken Head area. Consequently the cost of providing such facilities has been apportioned wholly to new development expected to occur in the area.

Due to the nature of the proposed facilities, it is expected that some facilities will service future populations on Lot 7 DP 718014 and Lot 1 DP 189704 only. For example new development in the Broken Head can be expected to place increased demands on the existing Broken Head hall. Upgrading of the hall is included in Council's Development Contributions Plan 2001-2006. However increased usage will also generate a need for improved parking facilities at the site. A plan showing proposed parking and access for the hall is illustrated in Appendix A.

Further, new development on Lot 1 DP 189704 and Lot 7 DP 718014 can be expected to generate a demand for a bus shelter near Broken Head Road. Liaison with RTA suggested that this facility would be best placed within the western development parcel, but near to Broken Head Road. This has been accommodated by the proponent. The area is serviced by Blanche's Bus Service which operates a school bus service and passenger service along Broken Head Road 14 times per day on weekdays, 12 times per day on Saturdays and 6 times per day on Sundays. The demand for a new bus shelter will be generated solely by new development on these lots.

The proposed facilities and estimated costs are listed in the Schedule of Works shown in Table 1.

6 Formula used for determining S 94 contributions

The formula for calculating the level of local section 94 contributions in the plan area is as follows:

$$\text{Contribution (per lot)} = \frac{C \times A}{n}$$

Where: C – capital cost of the facility
 A – apportionment to new development
 n – estimated number of new allotments within the local catchment that is expected to utilise the facility.

7 Works schedule

Table 1 lists the schedule of proposed works for the Broken Head and Natural Lane catchment areas:

Table 1

Proposed Works	Total Cost	Apportionment to new development	Catchment
Provision of sealed carparking and associated access at Broken Head Hall	\$39,400	100%	Lot 7 DP 718041 and Lot 1 DP 189704
Bus shelter – near Broken Head Road	\$3,000	100%	Lot 7 DP 718014 and Lot 1 DP 189704

8 Contribution rates

Carparking – Broken Head Hall

$$\begin{aligned} \text{Contribution (per lot)} &= \frac{\$39,400 \times 100\%}{24} \\ &= \$1,641.67 \text{ say } \$1,650/\text{lot} \end{aligned}$$

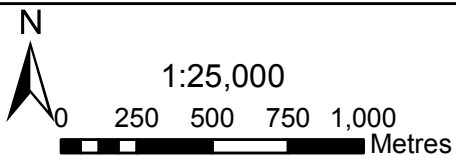
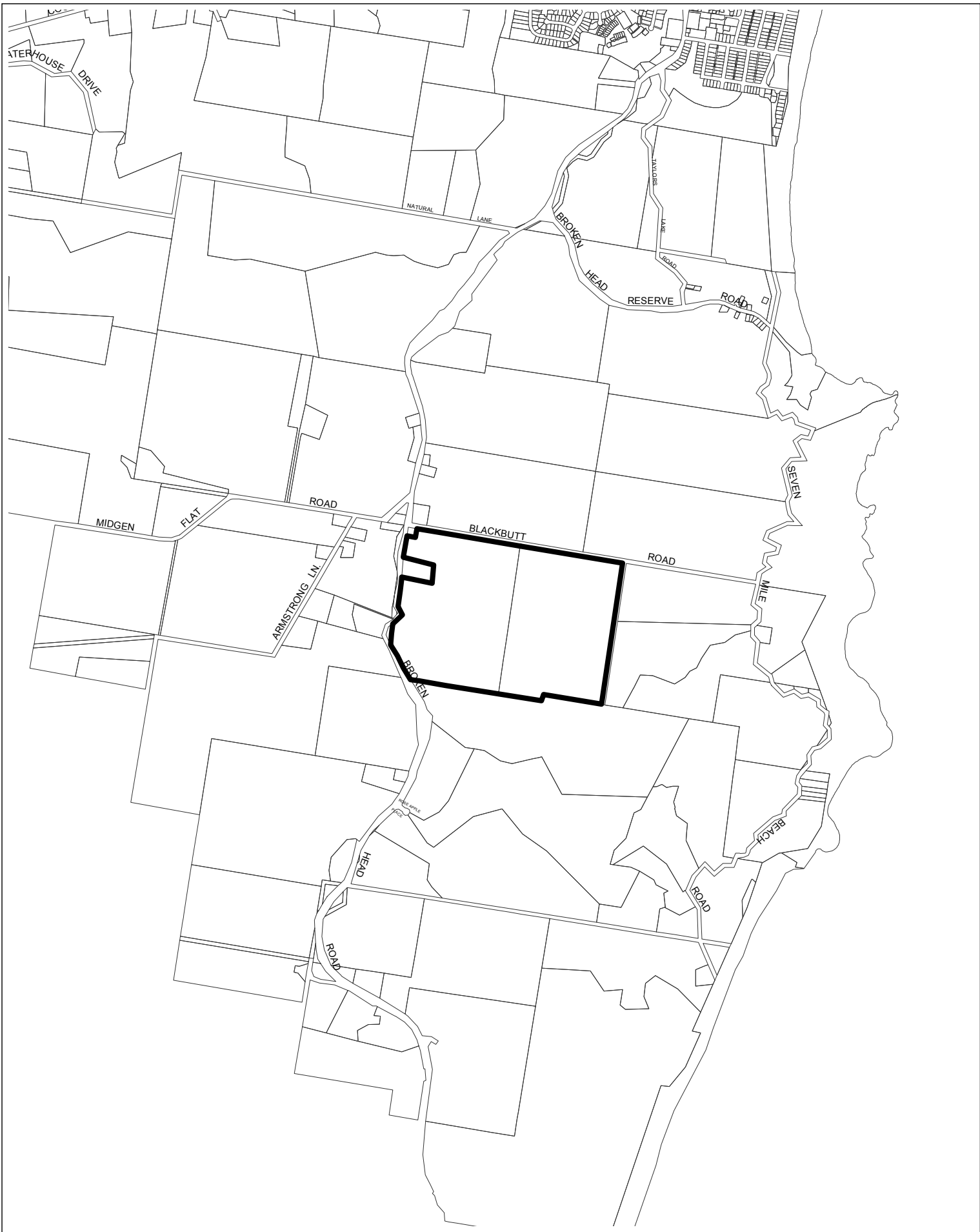
Bus shelter – near Broken Head Road

$$\begin{aligned} \text{Contribution (per lot)} &= \frac{\$3,000 \times 100\%}{24} \\ &= \$125.00 \text{ say } \$150/\text{lot} \end{aligned}$$

Notes

- In relation to car parking is the sum of the lots proposed in the rezoning submissions for lot 1 DP 189704 and Lot 7 DP 718041.
- In relation to bus shelter is the sum of the lots proposed in the rezoning submissions for lot 1 DP 189704 and Lot 7 DP 718041.
- No other allotments in the locality are included such as the “Natural Lane” or “Hidden Valley” properties as shown in the BRSS.

Plan P5.1 S 94 Plan Area

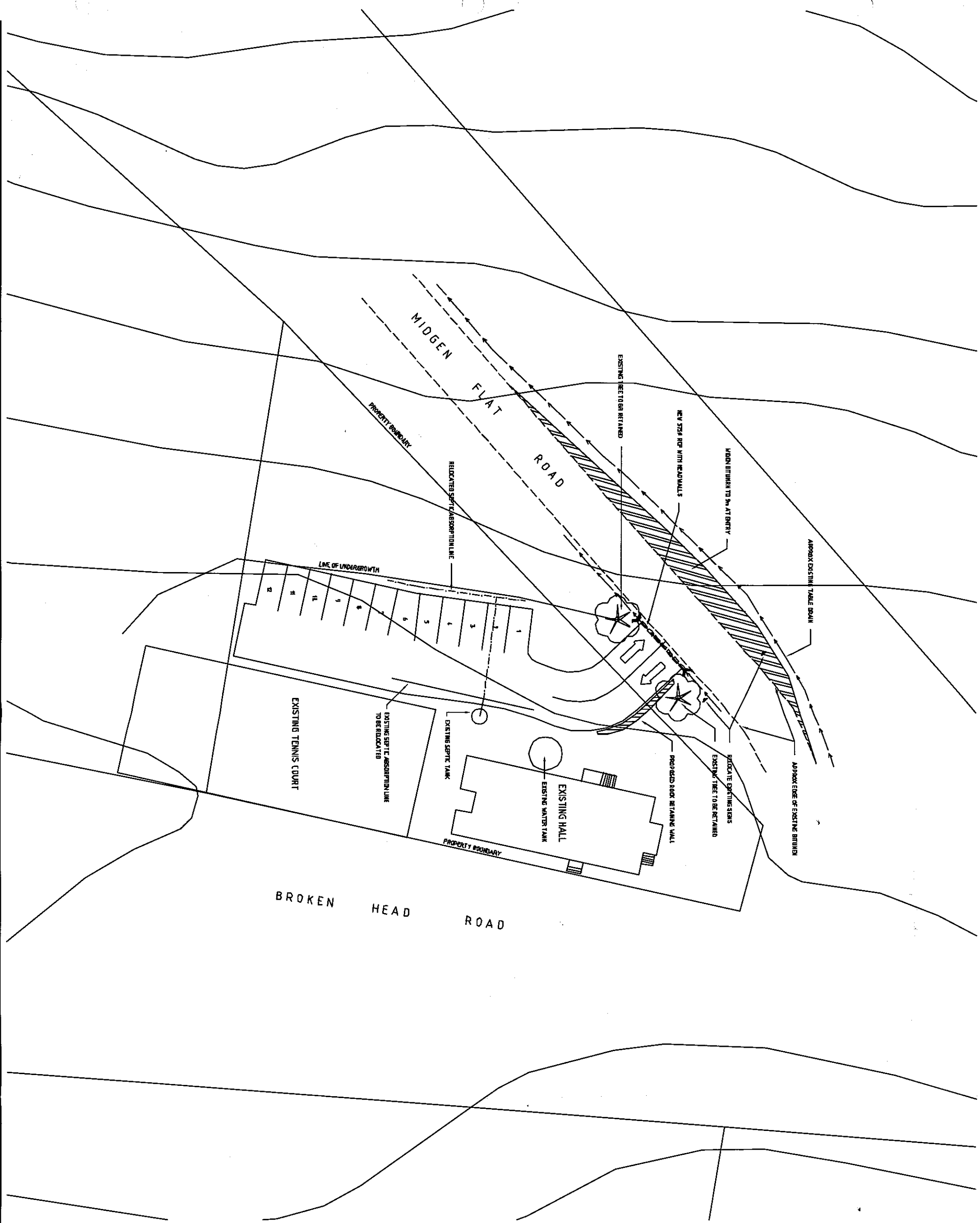


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Date: September 2005

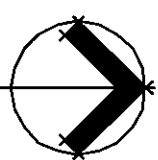
P5.1 Section 94 Plan Area

Appendix A – Plan of Proposed Car Park at Broken Head Hall



No.	Description	Date	Initial	Amendments

GeoLINK 2003
 The drawing must not be relied upon for any purpose other than that for which it was prepared or by any person or corporation other than the referred client.
 This drawing is prepared under a quality system certified as complying with ISO 9001 by an accredited certification body.



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BRSS - Broken Head
 Project Title

Design	Drawn	Checked
THE	THE	THE
Approved	Date	
XBERP		

Scale: metres 0 2 4 6 8 10

Proposed Carpark at Broken Head Hall
 Drawing Title
 Drawing Number: 99127/06
 Drawing Date: 20/10/05