REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

Waverley Development Contributions Plan 2006 – Proposed Review (A03/0054-04)

Report dated 21 September 2007 from the Director, Planning & Environmental Services regarding the review of Waverley Development Control Plan 2006.

Recommendation:

1. That Council receive and note this report.

2. That Council resolved to amend Waverley Development Contributions Plan 2006 in the manner outlined in this report.

3. That the draft Waverley Development Control Plan 2006 be exhibited in accordance with Section 94A of the Act.

1.0 Purpose of Report

The purpose of this report is to outline a proposed review of Waverley Development Contributions Plan 2006.

2.0 Background

Section 94A of the Environmental Planning and Assessment Act 1979 ("EP&A Act") empowers a Council to levy contributions towards the capital cost of providing facilities, infrastructure and services necessary to meet the increased demand created by new development. In December 2005, Council adopted the Waverley Development Contributions Plan 2006. The Plan became effective on 1 January 2006 and authorises Council to impose a fixed development levy, at 1% of the development cost, on all approved developments within the Waverley local government area.

At its meeting on 19 December 2006 the Council was informed of a direction issued by the Minister for Planning, the Hon. Frank Sartor MP, under section 94E of the Environmental Planning and Assessment Act 1979 (the Act) (Attachment 1). The direction, which took effect on 1 December 2006, specified the maximum percentage of a section 94A levy that can be required by a condition of consent for a development application or a complying development application using three cost thresholds:

(a) Proposed cost of development $100,000 or less – no levy
(b) Proposed cost of development between $100,001 and $200,000 – 0.5% levy
(c) Proposed cost of development more than $200,000 – 1% levy.

The direction also prohibited a condition for a levy being imposed on consents for certain types of development.
REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

The Ministerial direction prevails over the provisions of any existing section 94A contributions plan. Council has implemented the Ministerial direction from the date it became effective (1 December 2006). The Department of Planning (DOP) recommends that councils, at the earliest opportunity, amend their development contributions plans to reflect the changes brought about by the Ministerial direction.

3.0 A proposed review of Waverley Development Contributions Plan 2006

It is recommended that Waverley Development Contributions Plan 2006 be reviewed to include amendments required to ensure its consistency with the direction under section 94E of the Act made by the Minister for Planning, the Hon. Frank Sartor MP, on 10 November 2006 which is included as Attachment 1.

A review is also required to update the Works Schedule (Schedule 1 of the Plan). The inclusion of an updated works schedule in a development contributions plan is a requirement of the Environmental Planning and Assessment Regulation. This schedule must show:

- the works proposed to be funded from development contributions;
- the costs of the facilities to be funded from development contributions;
- their staging (by reference to dates or thresholds), and
- if the funds are to be pooled, the priorities for expenditure.

The updated Works Schedule is included as Attachment 2 of this report.

This review is programmed annually by the Strategic Planning section to ensure the validity of Council's Development Contributions Plan.

4.0 Analysis

- Financial:

No specific budget has been set aside to fund this project, however this project will be resourced by in-house Strategic Planning staff.

- Management Plan:

Waverley Management Plan 2007 – 2011 includes the following activity:

"Comply with directions from State government, statutory requirements or Council requests for new or amended planning policies, including LEP’s, DCP’s and strategic plans" (Waverley Management Plan 2007 – 2011, p. 82).

The proposed review to Waverley Development Contributions Plan 2006 is required to ensure its compliance with the Minister's direction and the Regulation and therefore is consistent with Council's Management Plan.
REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

- Consultation:

Ian Mead, Council's Divisional Manager, Finance & Information Systems & Services and Michael Mamo, Council's Financial Services Manager were consulted in relation to the update of the Works Schedule (Schedule 1) of Waverley Development Contributions Plan 2006.

The review of Waverley Development Contributions Plan 2006 incorporates consultation with the community through a public exhibition of a draft development contributions plan for a minimum period of 28 days as required by the Act and Regulation. Following public exhibition, Council officers will prepare a report to Council which outlines any submissions received during the exhibition period.

- Timeframe

The drafting of an amended development contributions plan which give effect to the Minister's direction and includes an updated works schedule can commence shortly after Council resolution to prepare an amended development contributions plan. It is anticipated that draft Waverley Development Contributions Plan 2006 (Amendment No. 1) will be placed on public exhibition during November 2007.

5.0 Next Steps

- Complete the review of Waverley Development Contributions Plan 2006.
- Amend the Waverley Development Contributions Plan 2006 as follows:
  1. In response to the Ministerial Direction, and
  2. To include an updated Works Schedule.

- The amended Waverley Development Contributions Plan will be exhibited in accordance with the Act for a minimum period of 28 days.
- Any submission received will be reviewed and be reported upon to Council to be considered prior to the adoption of the draft Waverley Development Contributions Plan.
6.0 Recommendation:

1. That Council receive and note this report.

2. That Council resolved to prepare a draft development contributions plan to amend Waverley Development Contributions Plan 2006 in accordance with Section 94A of the Act and in the manner outlined in this report.

Peter Brennan  
Director, Planning and Environmental Services

Report Author: Haggai Bocman
ENvironmenTal planning and assessment act 1979

DIrection unDer seCtion 94e

I, the Minister for Planning, under section 94E of the Environmental Planning and Assessment Act 1979 ("the Act"), direct consent authorities that:

(1) The maximum percentage of the levy for development under section 94A of the Act, having a proposed cost within the range specified in the Table to Schedule A, is to be calculated in accordance with that Table.

(2) Despite subclause (1), a levy under section 94A of the Act cannot be imposed on development:
   a) for the purpose of disabled access,
   b) for the sole purpose of affordable housing,
   c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
   d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or
   e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In this direction words and expressions used have the same meaning as they have in the Act. The term "item" and "environmental heritage" have the same meaning as in the Heritage Act 1977.

This direction does not apply to development applications and applications for complying development certificates finally determined before 1 December 2006.

Frank Sartor, M.P.,
Minister for Planning,
Sydney.
[Dated: 10 November 2006]

SCHEDULE A

<table>
<thead>
<tr>
<th>Proposed cost of the development</th>
<th>Maximum percentage of the levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $100,000</td>
<td>Nil</td>
</tr>
<tr>
<td>$100,001–$200,000</td>
<td>0.5 percent</td>
</tr>
<tr>
<td>More than $200,000</td>
<td>1.0 percent</td>
</tr>
</tbody>
</table>
Attachment 2

AN UPDATED SCHEDULE OF WORKS TO BE FUNDED FROM DEVELOPMENT CONTRIBUTIONS
REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

WORKS SCHEDULE

The works listed in this schedule may be funded from a mix of sources, including contributions collected from this plan.

A. WORKS IN PROGRESS

<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Estimated Project Cost</th>
<th>Estimated Staging</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Links – pedestrians routes</td>
<td>$200,000</td>
<td>4 years</td>
</tr>
<tr>
<td>Bondi Park upgrade</td>
<td>$250,000</td>
<td>1 year</td>
</tr>
<tr>
<td>Bondi Pavilion upgrade</td>
<td>$560,000</td>
<td>2 years</td>
</tr>
<tr>
<td>Traffic &amp; Transport upgrade Hall Street</td>
<td>$725,000</td>
<td>2 years</td>
</tr>
<tr>
<td>Campbell Parade Streetscape improvements</td>
<td>$2,370,000</td>
<td>1 year</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$4,105,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

B. NEW PUBLIC FACILITIES

<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Estimated Project Cost</th>
<th>Estimated Staging</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoca Street improvements</td>
<td>$150,000</td>
<td>1 year</td>
</tr>
<tr>
<td>Rose Bay Village upgrade</td>
<td>$150,000</td>
<td>3 years</td>
</tr>
<tr>
<td>Tamarama Park upgrade</td>
<td>$175,000</td>
<td>4 years</td>
</tr>
<tr>
<td>Bus facilities in Bondi Junction</td>
<td>$200,000</td>
<td>1 year</td>
</tr>
<tr>
<td>Spring Street improvements</td>
<td>$250,000</td>
<td>1 year</td>
</tr>
<tr>
<td>Hall Street improvements</td>
<td>$300,000</td>
<td>1 year</td>
</tr>
<tr>
<td>Bondi Road North upgrade</td>
<td>$350,000</td>
<td>4 years</td>
</tr>
<tr>
<td>Coastal Walk South</td>
<td>$2,148,000</td>
<td>3 years</td>
</tr>
<tr>
<td>Public Facility</td>
<td>Estimated Project Cost</td>
<td>Estimated Staging</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Bronte Park upgrade</td>
<td>$405,000</td>
<td>3 years</td>
</tr>
<tr>
<td>Bondi Road South upgrade</td>
<td>$1,000,000</td>
<td>2 years</td>
</tr>
<tr>
<td>Bronte Creek improvements</td>
<td>$600,000</td>
<td>4 years</td>
</tr>
<tr>
<td>North Bondi Surf Club upgrade</td>
<td>$750,000</td>
<td>2 years</td>
</tr>
<tr>
<td>Tamarama beach upgrade</td>
<td>$975,000</td>
<td>2 years</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$7,453,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

|                         |                        |                   |
| Works in Progress       | $4,105,000             |                   |
| New Works               | $7,453,000             |                   |
| **GRAND TOTAL**         | **$11,558,000**        |                   |
Capital Works to be Funded From Development Contributions

- ▲ Works in Progress
- ○ Proposed Works

Waverley Council Local Government Area
Capital Works to be funded from development contributions

Works in Progress:

1. Green Links – pedestrians routes
2. Bondi Park upgrade
3. Bondi Pavilion upgrade
4. Traffic & Transport upgrade, Hall Street
5. Campbell Parade, streetscape improvements

Proposed Works:

6. Avoca Street improvements
7. Rose Bay Village upgrade
8. Tamarama Park upgrade
9. Bus facilities in Bondi Junction
10. Spring Street improvements
11. Hall Street improvements
12. Bondi Road North upgrade
13. Coastal Walk South
14. Bronte Park upgrade
15. Bondi Road South upgrade
16. Bronte Creek improvements
17. North Bondi Surf Club upgrade
18. Tamarama beach upgrade