

**VERSION FOR ADOPTION
OCTOBER 2010**

**SNOWY RIVER
DEVELOPMENT
CONTRIBUTIONS
PLAN
2010**

JINDABYNE AREA SHARED TRAILS

**Adopted by Council on
Contributions Rates Effective from**

Apportionment of costs

This plan has been prepared to allow the collection of funds from new development that will benefit from the shared trails. In recognition that existing development will also benefit from the shared trail network, the charges to be made are apportioned using the formulae found in Snowy River Development Contributions Plan 2008:

Summary of contribution rates

The table below shows a summary of the contribution rates per ET for each applicable form of development in the catchment area.

Table 1

2010.

Type / form of development	Equivalent Tenements (ET)	Unit of Measure for Contribution	Cost per ET for this form of development
Subdivision	1	lot	\$555
Dwellings - 1 bedroom	0.57	bedroom	\$316
Dwellings - 2 bedrooms	0.71	2 bedrooms	\$394
Dwellings - 3 or 4 bedrooms	1	3 or 4 bedrooms	\$555
Dwellings - > 4 bedrooms	1 plus 0.29 per extra bedroom >4	Base of 4 plus per extra b'r	\$555 plus \$160 per extra bedroom
Lodges, motels, B & B, holiday dwellings & similar	0.29 per room	room	\$160
Child Care Centres	1 per 20 children > 20	Per 20 children > 20	
Educational Establishments	1 per 20 day students	20 day students	
	1 per 6 boarders	6 boarders	
Camping Grounds	0.29 per site	site	\$160 per site
Commercial/office space		0.1 ET per 100 square metres of gross floor area	\$55per 100m ²
Retail space		0.1 ET per 100 square metres of gross floor area	\$55per 100m ²

Work schedule

The shared trail facilities that are to be built using funds collected under this plan may be found in Appendix A and will be completed by 30 June 2011.

Introduction

Background

Riding and walking is a popular pastime for residents and visitors to Snowy River Shire local government area. There is a growing expectation that recreational bike riding and walking are crucial to improved pedestrian access, health and the economic future of the Shire. Since 1998 the Council has progressively been applying funds to construct a network of pathways. Council has now prepared a plan to extend the shared pathway network beyond the urban area and into the areas south of Jindabyne and between the Tyrolean Village, East Jindabyne and Kalkite. Shared trails are established for the primary use of walkers and bike riders but not exclusively. While there is an expected benefit to the Shire generally, the primary beneficiaries of a shared trail network around Jindabyne will be existing and future residents, businesses and visitors to the area around Jindabyne.

Name of the plan

This plan is Snowy River Development Contributions Plan (2010) Jindabyne Area Shared Trails.

Commencement of this plan

In accordance with the requirements of Clause 31(4) of the EP&A Regulations this development contributions plan has been prepared and takes effect from the date on which public notice was published, consistent with the *Regulation*.

Aims and Objectives

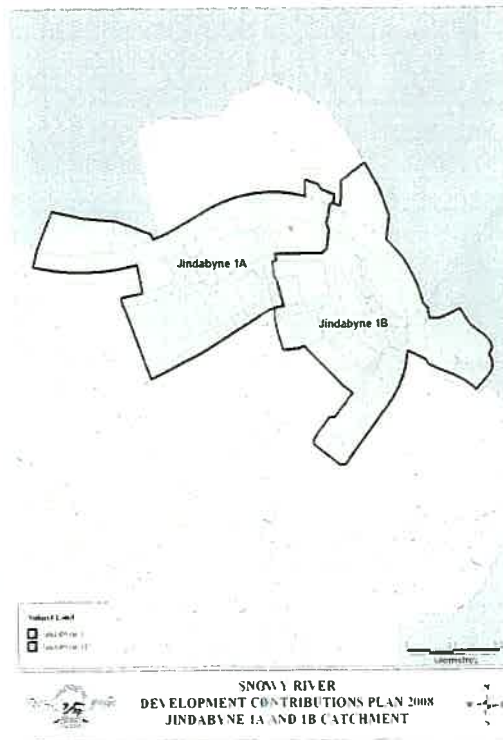
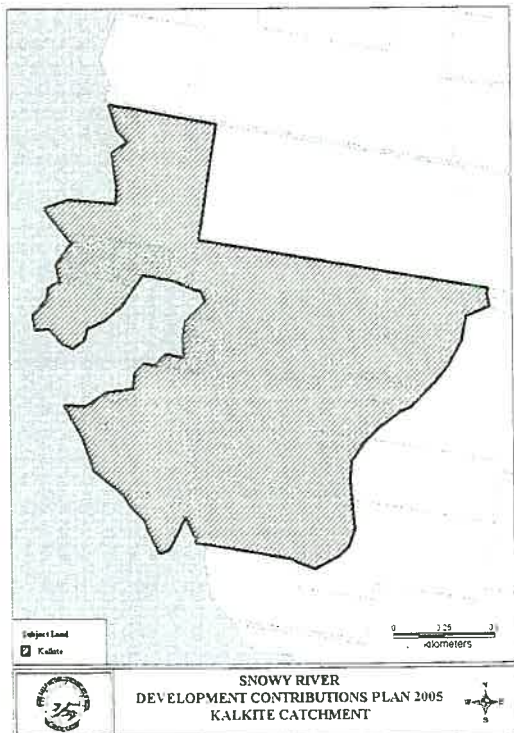
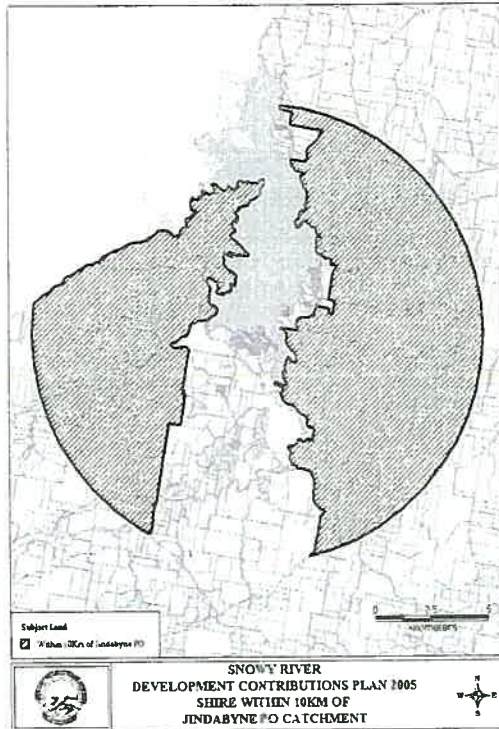
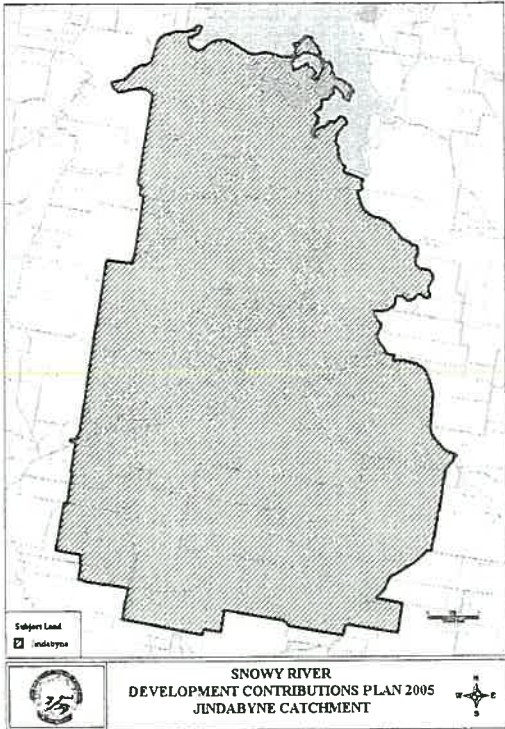
The aims and objectives of this plan are to;

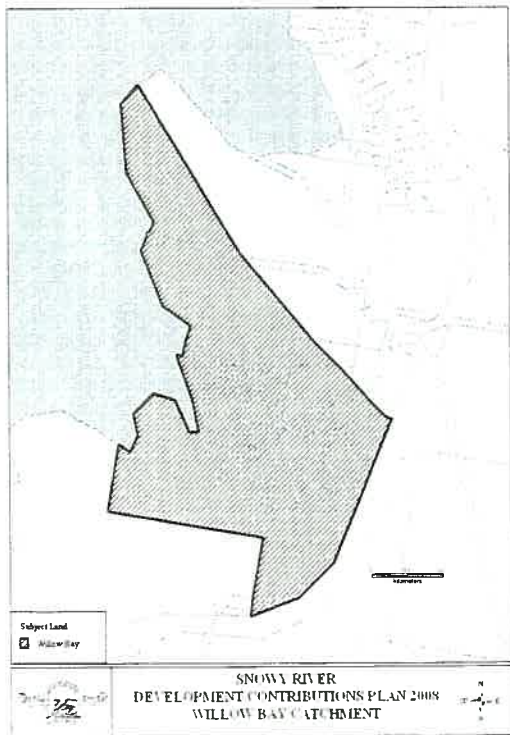
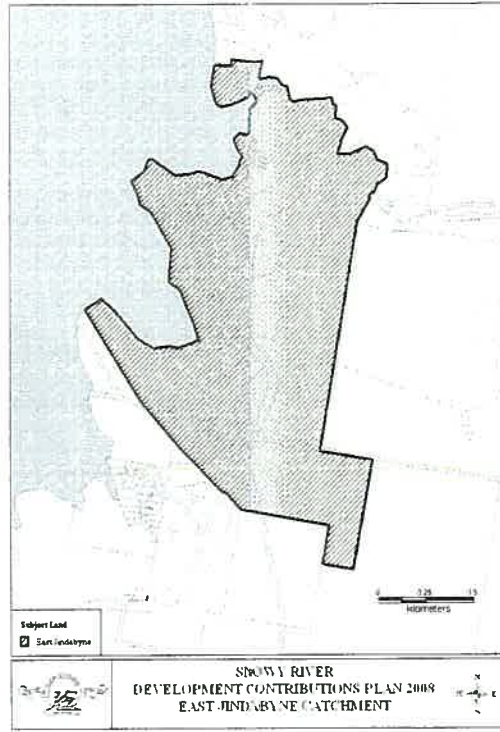
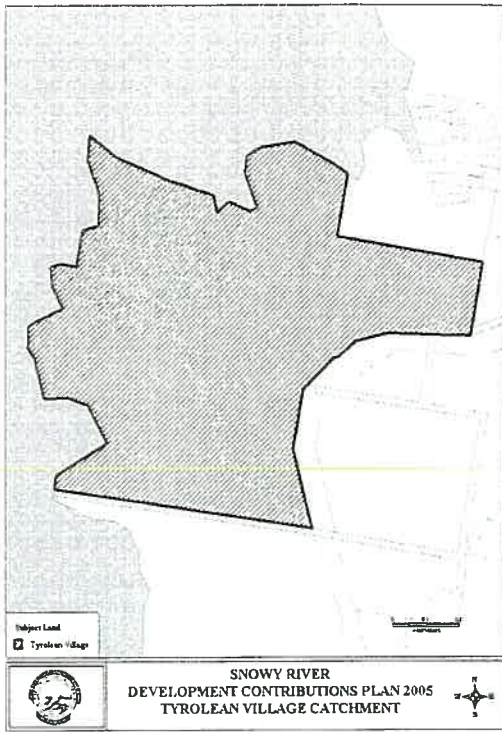
- (a) enable the collection of direct contributions for key community infrastructure, being the provision of cultural and sporting facilities (shared trails) in accordance with the provisions of the Environmental Planning and Assessment Act 1979;
- (b) ensure that adequate key community infrastructure is provided for as part of any new development;
- (c) authorise the council to impose conditions under section 94 (s94) of the Environmental Planning and Assessment Act 1979 when granting consent to development on land to which this plan applies;
- (d) provide a 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 key community infrastructure required as a result of future development;
- (f) enable the council to be both publicly and financially accountable;

Key Considerations / assumptions

- Residential and non-residential development within 10km of Jindabyne may benefit from the shared use trail.
- Population growth within 10km is based on the New South Wales Department of Planning Projections 2006 – 2036. These projections indicate an estimated 9,500 persons will reside in Shire in 2020, an increase on the current population in 2010 of 1,300.
- The projection has been adjusted on the basis that 80% of population growth will occur within 10km of Jindabyne. On this basis it is estimated that around 1,040 additional people (EP) will reside within 10km of Jindabyne.
- The time frame for the plan is 10 years.
- \$301,000 of Australian Government funds have been committed to the shared trail network.
- The costs to be funded by future development include (a) \$135,000 for works, (b) \$20,000 for approvals and planning and (c) \$50,000 to embellish (capital cost) the open space in Mill Creek and Tyrolean Village to make sure that it is as maintenance free as possible.

Land to which the plan applies





Relationship to other plans and reports

This development contributions plan supplements the provisions of the Snowy River Development Contributions Plan 2008, Snowy River Local Environment Plan 1997, Snowy River Rural Local Environmental Plan 2007, Snowy River Development Control Plan 1998, Snowy River Rural Development Control Plan 2008 and any subsequent amendments to those plans.

Savings and transitional arrangements

- (a) A development application that is submitted after the adoption of this plan shall be assessed in accordance with the provisions of this plan.
- (b) A development application that has been submitted prior to the adoption of this Plan but not determined, shall be assessed in accordance with this Plan.

Assumptions on which the plan is based

Council has resolved to review Snowy River Development Contributions Plan 2008. It is therefore an assumption that this Plan will be repealed and superseded by a new comprehensive development contributions Plan within 6 months.

Administration and operation of the plan

Scope of the plan

This plan was adopted by Council on 19 October 2010 and is effective from 20 October 2010.

Structure of the plan

The structure of this Plan is as per the Draft Local Development Guidelines (November 2009) Template for a Direct Contributions Plan.

Development forms to which the plan applies

Contributions will be levied on additional residential and commercial development (including space to be used for tourist accommodation, educational establishments and retail development) within the specified catchment area in accordance with this Plan.

Types of community infrastructure addressed by the plan

Refer Section 116I of the EP&A Act & Clause 31A of the EP&A Regulations

Local sporting, recreational, cultural, civic and social services facilities (shared trails)

Key community infrastructure

Council may levy development for key community infrastructure without approval of the Minister. Key community infrastructure' is defined by the draft guidelines as (a) local roads; (b) local bus infrastructure; (c) local parks; (d) **local sporting, recreational, cultural, civic and social services facilities**; (e) drainage and stormwater management works; (f) land for any community infrastructure (except land for riparian corridors). In this case the shared trails are considered local sporting, recreational, cultural, civic and social service facilities.

Calculation of contribution rates

New residential and non residential commercial development within 10km of Jindabyne will be levied for shared trails, as demand for this type of key community infrastructure will be generated as a result of these forms of development (see Nexus).

Existing development has also generated demand for and will benefit from the shared trails. Therefore an apportionment factor has been built in to the calculation and is based on the proportion of new ET's compared to total ET variable found in the Table to Schedule B in Snowy River Development Contributions Plan 2008.

The formula adopted for calculation of contribution rates in the area is as follows:

$$R = \frac{(E \times Y)}{N} + S$$

Where

R = Base Contributions rate payable per Equivalent Tenement (ET)

E = Cost of Facilities for the catchment (\$486,000 for 4km trail and embellishment)

N = No of additional ETs in the catchment from 20010/11 to 2020/21 (1040 EP or 350 ET)

Y = Proportion of cost to be met by new development over the next 10 years (see Snowy River Development Contributions Plan 2008 Appendices - Schedule B)

S = study cost per ET (\$20,000)

$$R = \frac{(486,000 \times 0.4)}{350} + \$57$$

R = \$555 per ET or approximately \$185 per person.

This rate payable will be used to calculate the contribution to be charged. The rate payable will be multiplied by the number of additional ET created as a consequence of the development. Each development's size and type will create a different number of ET. As a guide the following table shows the additional ET demand created by various forms of development;

Type / form of development	Equivalent Tenements (ET)	Unit of Measure for Contribution	Cost per ET for this form of development
Subdivision	1	lot	\$555
Dwellings - 1 bedroom	0.57	bedroom	\$316
Dwellings - 2 bedrooms	0.71	2 bedrooms	\$394
Dwellings - 3 or 4 bedrooms	1	3 or 4 bedrooms	\$555
Dwellings - > 4 bedrooms	1 plus 0.29 per extra bedroom >4	Base of 4 plus per extra b'r	\$555 plus \$160 per extra bedroom
Lodges, motels, B & B, holiday dwellings & similar	0.29 per room	room	\$160
Child Care Centres	1 per 20 children > 20	Per 20 children > 20	
Educational Establishments	1 per 20 day students	20 day students	
	1 per 6 boarders	6 boarders	
Camping Grounds	0.29 per site	site	\$160 per site
Commercial/office space		0.1 ET per 100 square metres of gross floor area	\$55per 100m2
Retail space		0.1 ET per 100 square metres of gross floor area	\$55per 100m2

How will contributions be imposed?

In determining a development application, Council may impose a condition of consent requiring the payment of a monetary contribution, dedication of land and/or works in kind, in accordance with the provisions of this plan.

Indexation

To ensure that the value of contributions reflects the costs associated with the provision of public services and facilities, the Council will review the Plan (including all appendices), and amend the contribution rates on the following basis:

(i) The contribution rates will be adjusted at July 1 each year by reference to the Canberra All Groups Index for the previous calendar year (January to December), excluding the impact of the GST. The contribution rates will be indexed on an annual basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where:

$\$C_A$ is the contribution at the time of adoption of the plan expressed in dollars;

Current Index is the value as published by the Australian Bureau of Statistics available at the time of review of the contribution rate;

Base Index is the value as published by the Australian Bureau of Statistics as at December 31, 2007

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

Allowance for existing development

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

Type of Dwelling/ Premises	Equivalent Tenements (ET)	Unit of Measure for Contribution
Subdivision	1	lot
Dwellings - 1 bedroom	0.57	bedroom
Dwellings - 2 bedrooms	0.71	2 bedrooms
Dwellings - 3 or 4 bedrooms	1	3 or 4 bedrooms
Dwellings - > 4 bedrooms	1 plus 0.29 per extra bedroom >4	Base of 4 plus per extra b'r
Lodges, motels, B & B, holiday dwellings & similar	0.29 per room	room
Child Care Centres	1 per 20 children > 20	Per 20 children > 20
Educational Establishments	1 per 20 day students	20 day students
	1 per 6 boarders	6 boarders
Camping Grounds	0.29 per site	site
Tourism facilities	0.29 per motel type room or individual assessment	0.29 per motel type room or individual assessment
Commercial/office space		0.1 ET per 100 square metres of gross floor area
Retail space		0.1 ET per 100 square metres of gross floor area

Where a development does not fall within any of the items noted above, the Council would determine the credit on the basis of the likely demand that the existing development would create.

Methods of payment

Cash payment

The contributions stated in a development consent are calculated on the basis of the s94 contribution rates determined in accordance with this Plan. The contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in accordance with the consent condition.

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

Material public benefits/works-in-kind Planning agreements

The council may accept an offer by the applicant to provide an "in-kind" contribution (ie the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- (b) the standard of the works is to council's full satisfaction; and
- (c) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program; and
- (d) where the value of the work in kind is greater than the assessed contribution Council may give the developer a credit towards future contributions required as a consequence of future development applications (within the same catchment). Alternatively, Council may enter into an agreement to transfer future contributions levied for the item provided, to the developer. Such an agreement would generally be subject to an appropriate sunset clause.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works. Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

Timing of payment

A contribution is payable;

- (a) in the case of a consent to development being subdivision – before the issue of a Subdivision Certificate to the applicant;
- (b) in the case of a consent to development where a construction certificate is required – before the issue of a construction certificate to the applicant;
- (c) in the case of complying development under Division 3 of Part 4 of the Act, - prior to commencement of works;
- (d) in the case of a consent to any other development – before development is commenced.

Deferred and periodic payments

As required by Clause 27(1)(g) of the EP&A Regulations deferred or periodic payments may be permitted in the following circumstances:

- (a) compliance with the provisions of this Plan is unreasonable or unnecessary in the circumstances of the case,
- (b) deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- (c) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- (d) there are circumstances justifying the deferred or periodic payment of the contribution.

If council does decide to accept deferred or periodic payment, council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- ▷ the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- ▷ the bank agrees to unconditionally pay the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- ▷ the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- ▷ the bank's obligations are discharged when payment to the council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required
- ▷ where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

Exemptions and discounts

Council may consider discounts of contributions (up to 50%) for developments, or components of developments where a demonstrated community benefit results. The types of developments which may be considered include: heritage items, crisis housing, affordable housing and childcare.

Accounting and management of funds

Contributions register

Council will maintain a register of all contributions in accordance with EP&A Regulation 34. The register will be made available for public inspection at any time during normal office hours. An annual statement of contributions will be produced documenting amounts received and relevant details. Such statements will also be made available for public inspection upon request.

Treatment of funds held by Council prior to the commencement of this plan

No funds have been collected or are held specifically for shared recreational trails. Funds collected and held by the Council for Shared Pathways will be treated separately to the funds collected and held for shared trails.

Pooling of contributions

As per Clause 27(1)(i) of the EP&A Regulations this plan authorises the pooling of funds collected under the plan on the basis that such pooling will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

Community infrastructure and contributions

Type of infrastructure

Shared bike and walking trails

Catchment the plan serves

Land within Snowy River Shire LGA and within 10km of Lake Jindabyne including Jindabyne, Tyrolean, East Jindabyne, Kalkite, Highview Estate, High Country Estate, Lakewood Estate.

Nexus and apportionment

There is a fundamental requirement for a link between development and the specific need for recreation facilities generated by all development in the Shire. Where these facilities fall outside the responsibility of private interests or other levels of government, Local Government is called upon to provide them and is entitled to recover that proportion of the costs arising from demand induced by development.

Council has examined the feasibility and cost benefit of providing a recreational trail network for the entire Shire through the Jindabyne Trail Plan.

- The network will provide residents and visitors with a healthy transport choice, particularly for the short trips between the villages surrounding Jindabyne.
- The Trail will provide mobility to a wider range of community members - those who do not own a car will be able to walk or ride safely between villages.
- Council research shows that the construction costs would break even when just over 5000 visitors use the trail. 2008-2009 Summer/Autumn statistics report 1,006,000 visitors to the area, so less than 1% of the total visitor numbers for the Summer/Autumn period need to use the trail for it to break even.
- Tourism benefits from the construction of this trail is evident through research in Victoria on trails similar to the Jindabyne Shared Trail. The research shows that the average amount spent by visitors to these trails was found to be \$51.10 per person per day.¹
- Health Prevention - This trail encourages a healthy and active lifestyle reducing morbidity and mortality rates as a result of health and fitness from walking and cycling. The costs of inactivity in Australia estimated by Econtech show that physical inactivity costs \$1.5 billion annually.²
- This will help create a sustainable cycling business in the region thereby increasing demand for accommodation, retail and other recreational business.

There is a reasonable assumption that existing residents, future residents, visitors and commercial development within 10km of the shared trail network will benefit from the establishment of a shared trail network. The benefit may be related (but not limited) to (a) personal use of the network (for recreation, health or access) (b) increase in land value that may occur on property within reasonable proximity to the facility (c) commercial benefit gained from customer / client access to the facility.

Therefore

- (a) a contribution is to be obtained from future residential and commercial developments in the Shire.
- (b) the contribution is apportioned between existing and future development using the formulae provided in Schedule B of Snowy River Development Contributions Plan 2008:

As part of the rural community will not be in close proximity to the proposed shared trail network and therefore less likely to use it, for the purpose of equity, all new rural development and development in the rural villages is excluded from this Plan. Specifically this exemption applies to Rural Zones, Zone 2(d) Residential - Rural Village Zone, and Environmental Protection Zones.

Appendices

Appendix A – Map showing location and works treatments required for shared trail

