



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
COUNCIL CHAMBER
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
16 OCTOBER 2003
COMMENCING AT 5.00 P.M.

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
16 OCTOBER 2003

Mayor and Councillors

NOTICE OF MOTION

REQUEST ALLOCATION TO LOCAL GOVERNMENT FROM THE FEDERAL GOVERNMENT BUDGET SURPLUS

Purpose:

Cr W R Palmer has given notice of his intention to move at the Planning Environment and Development Committee meeting of 16 October 2003:

- "1. That Council write to the local Federal Member, Mr Luke Hartsuyker MP, asking him to urge the Treasurer to distribute a portion of the budget surplus to local government.*
- 2. Copies of the letter be sent to the Presidents of the NSW Local Government Association, the Australia Local Government Association and the Federal Treasurer."*

Australia is currently enjoying a period of affluence. The budget surplus has been created by this affluence. Taxpayers do not have an urgent need for tax cuts. There are more pressing needs in the community for assistance that could be provided by extra funding.

One of these needs is for funds to address the back-log of infrastructure provision for development and replacement of things like roads and bridges in country areas.

Community facilities like sporting, cultural and entertainment venues are becoming extremely difficult for councils to provide from rate revenue alone.

cont'd

Request Allocation To Local Government From The Federal Government Budget Surplus (cont'd)

General Manager's comment:

Publicly, the Federal Treasurer has been alluding to possible tax cuts as a result of the surplus whilst the Prime Minister has indicated that the surplus be directed to paying off debt and then tax cuts. Some media have quoted Federal sources as only cutting taxes in the top bracket.

Coffs Harbour City Council has a backlog of infrastructure works which is estimated at \$100m and includes roads and drainage, footpaths and bridges, community and public buildings and the like.

A substantial once-only grant to Local Government through the Financial Assistance Grants would help to redress the situation as, like Coffs Harbour City Council, most councils in New South Wales are unable to find the revenue to carry out any of these works.

Cr Palmer's motion is supported.

GENERAL MANAGER'S REPORT

19 COFFS HARBOUR FUTURE DEVELOPMENT CORPORATION

Purpose:

To request Council change the active status of Coffs Harbour Future Development Corporation and create a Committee of Council titled the Coffs Harbour Future Development Board.

Description of Item:

Over the past 18 months, Coffs Harbour Future Development Corporation has undergone restructuring resulting in the Board delegating management of the Company to Council.

An Economic Development Unit was formed within Council to carry out the operations and activities previously undertaken by the Company. Staff, programs, activities and the management contract are now administered within Council and the Company no longer has a budget or staff.

Council retained the Company structure and the Board of Directors, which advises Council on strategic direction for economic development.

The cost to Council of keeping Coffs Harbour Future Development Corporation as an active company is estimated at up to \$25,000 annually, which is mostly insurance costs. From October, the Company will not be carrying any contracts. The Board recently considered options for the future function and status of the Company and the Board.

The Coffs Harbour Future Development Corporation Board resolved at its meeting on 9 September 2003 to agree to Council shelving the Company and resolved to request Council make the Board a Committee of Council, with delegation from Council under S.377 of the Local Government Act, 1993.

Sustainability Assessment:

- **Environment**

The activities of Coffs Harbour Future Development Corporation do not have a direct effect on the environment. However, the activities and projects recommended by the Board are aimed at encouraging investment, business expansion or relocation to Coffs Harbour, which in turn may have effects on the environment. These effects are unable to be assessed at this stage as they depend on the nature and size of the developments and therefore would be assessed in the Development Application process.

- **Social**

Coffs Harbour Future Development Corporation's mission is to increase the economic and social well being of the Coffs Harbour Community. The Board encourages local business expansion and relocation of businesses to Coffs Harbour, which could result in improved services for local residents, as well as opportunities for employment and improved incomes.

cont'd

19 Coffs Harbour Future Development Corporation (cont'd)

- **Economic**

The activities and projects recommended by the Coffs Harbour Future Development Corporation Board may encourage investment in the city, businesses expansion or relocations to the city. This could generate increased employment and incomes in Coffs Harbour and the region and stimulate further business and economic growth.

Consultation:

The Board of Coffs Harbour Future Development Corporation has been consulted. Council's solicitors - MBT Lawyers, and insurance brokers – Jardine Lloyd Thompson, have also been consulted on the legal and insurance issues of this matter.

Related Policy and / or Precedents:

Council operates a committee structure to advise it on specific issues and to manage community facilities.

Statutory Requirements:

Council uses its powers under S.355 of the Local Government Act to appoint committees and delegate their role under S.377.

Issues:

The following issues were noted by the Board in coming to their decision:

1. Cost to Council of keeping Coffs Harbour Future Development Corporation as an active company.
The annual cost to Council is estimated at up to \$25,000, mainly in insurance costs. Currently, the contract for the Wallabies is the only contract managed by the Company. Council underwrites this contract and in October the contract will pass over to Council. However, to keep the Company active, Council is required to maintain insurances, prepare and submit audits and company returns for Coffs Harbour Future Development Corporation.
2. Recognition of Coffs Harbour Future Development Corporation
Over the last 18 months, the Company has lost recognition in the community as its functions have been brought within Council - to the Economic Development Unit, the Future of Ageing program and the Sports Unit.
3. Recognition and role of the Board of Directors
The Board has a high profile in the business community and government in Coffs Harbour and in the region. The Board's current role is mainly advisory and strategic planning. The Board gives advice to Council on economic development, makes recommendations to Council on economic development projects, liaises with industry and business for input to strategic directions, and develops the economic development strategic plan. This role could continue under a Committee of Council structure and the high profile of the Board could be maintained.

cont'd

19 Coffs Harbour Future Development Corporation (cont'd)

Implementation Date / Priority:

It will be necessary to implement the recommendation concurrently with the resignation of the Board of Directors and Company Officers from Coffs Harbour Future Development Corporation.

Recommendation:

- 1. That the Company, Coffs Harbour Future Development Corporation, be made inactive but retained so that it can be activated if needed in the future.**
- 2. That Council, in accordance with S.355 of the Local Government Act, appoint a committee titled 'Coffs Harbour Future Development Board'.**
- 3. That Council, in accordance with S.377 of the Local Government Act, delegate to Coffs Harbour Future Development Board the function of:**
 - developing a strategic plan for economic development, and**
 - provide on-going advice to Council on issues related to economic development**
- 4. That Council appoints the current Directors of Coffs Harbour Future Development Corporation as members to Coffs Harbour Future Development Board, for the initial term, namely:**
 - Julie Jardine, Greg Jenke, Warren Grimshaw, Greg Mallam, Tom Murray-Prior, Richard Kelloway, the Mayor and General Manager.**

Mark Ferguson
General Manager

PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

PED77 VEGETATION STRATEGY EXHIBITION

Purpose:

To advise Council of issues raised by the Vegetation Study Working Group and action taken to address these issues.

Description of Item:

Council resolved, at its meeting of 21 August 2003, to proceed to publicly exhibit the Vegetation Strategy, draft Vegetation Conservation Development Control Plan (DCP), draft Local Vegetation Management Plan and preliminary draft Regional Vegetation Management Plan (RVMP).

A meeting of the Vegetation Study Working Group was held on 9 September 2003 to discuss the details of the exhibition. At that meeting, rural land and NSW Farmers' Association representatives expressed concern with the exhibition of a draft Regional Vegetation Plan. The Department of Infrastructure, Planning and Natural Resources (DIPNR) representative advised that it was inappropriate, and may be illegal, to exhibit the draft RVMP. The Working Group recommended that Council proceed with exhibition of the other documents, without the draft RVMP.

Issues:

- **The Wentworth Group Report**

Following exhibition of draft RVMPs in other areas of New South Wales, the conflict between farmers and green groups escalated to a point where the Premier, Bob Carr, invited the Wentworth Group to assist in resolving the deadlock on native vegetation management in New South Wales.

The Wentworth Group is a group of leading Australian environmentalists and scientists that was convened by the World Wildlife Fund (WWF) Australia, in October 2002.

The Wentworth Group Report, "A New Model for Landscape Conservation in NSW" incorporates five interdependent components:

1. strengthening and simplifying native vegetation regulations, ending the broad scale clearing of remnant vegetation and protected regrowth;
2. setting environmental standards and clarifying responsibilities for native vegetation management which will, over time, create healthy rivers and catchments;
3. using property management plans to provide investment security, management flexibility and financial support for farmers;
4. providing significant levels of public funding to farmers to help meet new environmental standards and support on-ground conservation; and
5. restructuring institutions by improving scientific input into policy setting, improving information systems, and regionalising administration.

cont'd

Ped77 Vegetation Strategy Exhibition (cont'd)

- **Council's Preliminary Draft RVMP**

Council, in conjunction with DIPNR, has been in the process of preparing a RVMP for over five years. Having now reached the stage of being able to exhibit a preliminary draft RVMP, the future of such a plan is unknown.

The preliminary draft RVMP primarily addresses the first and second components of the Wentworth Group Report. It is based on the ecological assessment of native vegetation and identifies native vegetation that is of high and highest value. It proposes controls on the clearing of this vegetation.

It also identifies the need for Regional Conservation Actions (component 4) including community participation through Landcare groups; conservation management of privately owned land through voluntary arrangements, including use of revolving funds and community-title subdivision; use of existing financial incentives for land owners; land use planning incentives including environmental subdivision, land swap provisions and transferable dwelling entitlements; education and promotion; ongoing management of the existing formal and informal reserve system; and a financial plan.

It identifies the State Government as having the prime responsibility to fund these actions.

Consultation:

Following the Vegetation Study Working Group meeting of 9 September 2003, a letter was received from the Regional Director North Coast of DIPNR, Des Schroder (copy attached) on 16 September 2003.

An urgent meeting was arranged between the General Manager and Des Schroder for 18 September 2003.

At that meeting it was agreed the exhibition could proceed as resolved by Council, with the additional of information regarding the Wentworth Group Report, a copy of the report, a summary of the NSW Farmers' Association comments on the report, and those of the Wilderness Society. Provided the exhibition material clearly conveyed that the RVMP was for public discussion and subject to the outcomes of the Wentworth Group Report, DIPNR raised no objections to the exhibition.

The Vegetation Strategy exhibition commenced on Wednesday, 24 September, 2003.

Sustainability Assessment:

The report is for information purposes only.

Recommendation:

That Council note the concerns of the Vegetation Study Working Group and endorse the actions to incorporate information on the Wentworth Group Report within the exhibition material.

Attachments:

16/08 2003 13:25 FAX 02 66402185

DLWC GRAFTON REGIONAL

002

NSW DEPARTMENT OF INFRASTRUCTURE, PLANNING
AND NATURAL RESOURCES



Mr Mark Ferguson
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Dear Mr Ferguson

Thank you for your letter of 14 August 2003 that enclosed the Council's Vegetation Strategy, Local Vegetation Management Plan, Vegetation Conservation Development Control Plan and Preliminary Draft Regional Vegetation Management Plan.

These documents represent a significant achievement by Council planning staff and the Vegetation Management Committee in proposing an improved scheme for the management and protection of native vegetation in the Coffs Harbour LGA.

In congratulating those involved, it is important clear messages are now conveyed with regard to expected outcomes of the work undertaken and the use of the material.

The Council's planning has been done over a period of unprecedented change in the state government's approach to the management, protection and conservation of native vegetation. As with any other period of major reform, there have been stages in its early evolution where the need for further adaptation has been recognised. A careful balance must be found between the often competing interests of production, development, conservation, aesthetics and cultural values. The vegetation reform commenced with SEPP46 in August 1995. It progressed to the *Native Vegetation Conservation Act* and the introduction of regional vegetation management planning in 1998. In response to concerns raised by conservationists and farmers, the Wentworth group of scientist were asked in late 2002 for independent advice on an improved way forward. Their recommendations of February 2003 are now being considered by the Native Vegetation Reform Implementation Group (NVRIG) in the current stage of this evolutionary process. NVRIG's report to the Premier is expected to be released this month. It will set the foundations for a new approach to native vegetation management and planning to be adopted by the Department of Infrastructure, Planning and Natural Resources.

During this period of change in vegetation management a number of councils held back on their planning, waiting to see what the final outcome from the state government would be. In Coffs Harbour, however, as the Council has recognised, the high biodiversity, aesthetic and cultural values of the remnant vegetation, combined with increasing population pressures, has meant that the task of reconciling biodiversity conservation with continued development cannot be delayed. The Council is to be congratulated on addressing this difficult challenge by means of this vegetation strategy.

In considering the current direction of change signalled by the Wentworth Group's report and the NVRIG process, there are two main beneficial outcomes that can be achieved by the Council's Vegetation Management Committee:

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North Coast Region 76 Victoria Street Grafton NSW Locked Bag 10 Grafton NSW 2460
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NSW DEPARTMENT OF INFRASTRUCTURE, PLANNING
AND NATURAL RESOURCES



NEW SOUTH WALES

- a revised LEP to introduce appropriate measures for vegetation management in the areas of high land use conflict on the coast in the urban areas;
- a native vegetation status report for the wider Coffs Harbour LGA: information concerning the location and status of remnant vegetation, threats to it, the effectiveness of the current operation of the *Native Vegetation Conservation Act* and other protection mechanisms, recommendations for improved conservation measures and incentives, and other matters of concern to the Vegetation Management Committee. That information will greatly benefit future planning at a regional or property level. How such planning should be implemented will be among NVRIG's recommendations to the Premier.

It will be important that this clear message is conveyed to the community in any material placed on public exhibition. Any perception of an inconsistency with the current arrangements for vegetation planning, or with its future direction, needs to be avoided. Therefore, it would be inappropriate for a Council prepared "draft Regional Vegetation Management Plan" to be associated with the public exhibition, under the *Environmental Planning and Assessment Act*, of a LEP amendment. References to a Regional Vegetation Management Plan should be removed from the exhibition material so that a clear focus can be maintained, exclusively, on the LEP and the procedures for its amendment under the *Environmental Planning and Assessment Act*.

There are a number of comments about specific provisions of the LEP amendment that the Department can provide as part of the usual agency consultation. None of those comments are likely to affect the intent or general operation of the new LEP.

As the second outcome of the Committee, the Council might consider providing a native vegetation status report to the Minister regarding the wider management issues in the LGA, as mentioned above. That report would be a valuable contribution to future planning from the Council facilitated stakeholder consultation. Departmental staff could provide a suggested format for that report if you wish.

Given the current state of change, it will be important for Council staff to maintain close communications with Departmental staff. Please contact David Hart on 6640 2080 for further information as needed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DSM'.

Des Schroder
Regional Director
North Coast

16 September 2003

NSW DEPARTMENT OF INFRASTRUCTURE, PLANNING
AND NATURAL RESOURCES

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2

PED78 SECTION 94 CONTRIBUTIONS PLANS

Purpose:

To report to Council on the submission received to the exhibition of the amended Section 94 Contributions Plans relating to land acquisition.

The recent escalation of property values in Coffs Harbour means that a massive shortfall in the funds raised by Section 94 would result should the land acquisition figures not be updated. This effectively means that funds would have to be sourced from other avenues, i.e. general revenue, to enable acquisition of lands.

To enable a realistic appraisal and valuation, the Section 94 Plans should be amended by preparing new market valuations and making the necessary changes to the Developer Contributions Plans to ensure the valuations are current by appropriate indexes.

A general review of all Section 94 Contribution Plans has begun, some of the matters raised in submissions are best addressed in that process.

Description of Item:

Council resolved, at its meeting on 21 August 2003, to adopt the draft Developer Contribution Plans for exhibition purposes. A copy of this report is attached for the information of Councillors.

The plans were exhibited for a period of four weeks from 1 September 2003 to 29 September 2003. During the exhibition, two submissions were received (supplied separately to Councillors); one referred specifically to the Plan for North Boambee Valley Stage 1 Release Area, the other to the Moonee Release Area.

Issues:

The submissions raised the following issues:

- *The document itself is noted as being Developer Constructions (sic) Plan 1999.*

Comment: The contributions plans are a draft amending the 1999 Developer Contributions Plans. A revised date will be affixed to the plans for adoption.

- *In developing our plan for the Lakes with Council we have had to rework and amend certain components of the original Master Plan. Specifically we have:*
 - a) Altered the layout, size and location of the Stormwater Detention Structures.*
 - b) Relocated the Distributor Road.*
 - c) Increased the Density of the Proposed Development.*
 - d) Relocated the Neighbourhood Community Facility and Park/Playground.*
 - e) Agreed to increase the width of the Distributor Road to 9.00 metres.*
 - f) The proposed Fire Brigade Site has been deleted as it is no longer required.*

cont'd

Ped78 Section 94 Contributions Plans (cont'd)

Comment: The aim of amending the contributions plans is solely to update the 1999 figures relating to land acquisitions to be achieved by Council. No other amendments were to be achieved in this draft. Council is currently reviewing the entire set of Section 94 Contributions Plans - draft documents will be exhibited later this year.

- *The "DRAFT" document still refers to a Distributor Road as being 8.00 metres wide.*

Comment: The plans on exhibition from 1 September until 29 September 2003, only modify the land acquisition figures; no other modifications were made to the 1999 plans.

- *Why is there an allowance within the tables of the "DRAFT" documents which state there is a cost for Bushfire Services when the proposal was abandoned over a year ago?*

Comment: Again, the sole purpose of this modification related to land acquisition provisions - no other modifications were made. The overall review, which is presently underway, will amend the other sections as relevant.

- *On checking the numbers in the tables on a per lot basis it would appear that we would pay less in Sec 94 contributions than is set out in the conditions of our Development Consent.*

Comment: The tables in the draft document are "as established" in 1999, except those relating to land acquisition. The other figures are to be indexed in accordance with the provisions contained in the Contributions Plans. The figures are indexed quarterly.

- *In addition the location of a possible Highway Bypass route to the West of our proposed development will also need to be considered by Council in terms of the proposed infrastructure to be developed.*

Comment: The Highway bypass route may have an impact on the urban release areas of Coffs Harbour, the extent of this impact will not be known until the selected route is announced by the Roads and Traffic Authority.

- *Further we can see nowhere in the present document where Council attempts in any way to justify the need to upgrade the existing Developer Contribution Plan.*

Comment: The Council report of 21 August 2003 outlines the need for the amendments made to the Developer Contributions Plans. The reasons specified were also advertised with the notification in the newspaper and on display at Council.

The submission urges Council to:

1. *Withdraw the Draft Developer Contribution Plan.*
2. *Rewrite the document so that it accurately reflects the proposed development of the area.*

Council cannot afford to withdraw the Contributions Plans as the recent escalation of property values in Coffs Harbour means that a massive shortfall in the funds raised by Section 94 would result. This effectively means that the funds would have to be sourced from other avenues, i.e. general revenue, to acquire the lands.

cont'd

Ped78 Section 94 Contributions Plans (cont'd)

- *Council's previous Developer Contributions Plan 1999 identified the reconstruction of Moonee Beach Road at an estimated cost of \$125,000 in the works scheduled to be funded from developer contributions. Council recently estimated the upgrade of Moonee Beach Road (715 metres from Escapades Road to Park Entrance) in the order of \$650,000. The Draft Developer Contribution Plan 2003 shows the original amount of \$125,000 for the reconstruction of Moonee Beach Road over 250 metres.*

Comment: This matter will be addressed in the overall review of Section 94 Plans.

- *The extent of development allowable under the current Development Control Plan for the Moonee Release Area will increase pressure on the main access road to Moonee Beach. We consider it appropriate that the recently estimated schedule of work (i.e. \$650,000, from Escapades Road to Park Entrance) for upgrading Moonee Beach Road be included in the Developer Contributions Plan 2003 for funding by developer contributions.*

Comment: Again, this matter will be revised in the general Section 94 Plan review process.

Sustainability Assessment:

In general terms, levying Section 94 contributions is socially, economically and environmentally beneficial.

- **Environment**

Section 94 funds are used to provide retention basins, acquire habitat areas, etc., which are beneficial to the environment. Without the appropriate level of Section 94 contribution collection, these benefits are missed or lost.

- **Social**

The primary purpose of Section 94 funds is to provide a suitable/appropriate level of community services and facilities.

It is paramount that the services are provided; Council cannot avoid providing them. If the Section 94 funds are not adequate, Council has to fund them from other sources.

The facilities are integral to the social well being of the community.

- **Economic**

Section 94 funds are used to provide facilities and services.

If the Section 94 funds are not sufficient to cover the costs involved, then Council's other resource streams are used, thus effectively meaning some other functions of Council do not have an adequate budget.

cont'd

Ped78 Section 94 Contributions Plans (cont'd)

Summary:

If the amended Section 94 plans are not adopted, the result could be to leave a shortfall for land acquisitions. The valuations need to be brought up to current market values.

The amended Developer Contributions Plans were exhibited for 28 days and only two submissions were received.

It is the conclusion of this report that the draft Contributions Plans be adopted for implementation.

Recommendation:

That Council:

- 1. Adopt the Draft Developer Contributions Plans as previously circulated to Councillors for implementation.**
- 2. Advertise the adopted Developer Contributions Plans in accordance with the Section 94 Contribution Manual and Clause 31 of the Environmental Planning and Assessment Act Regulations 2000.**
- 3. Notify the authors of the submissions of Council's decision, attaching a copy of this report.**

Jeff Green

Acting Director, Planning Environment and Development

Attachments:

PED71 SECTION 94 CONTRIBUTIONS PLANS

Purpose:

To report to Council on the status of some of the current Section 94 Contributions Plans relating to land acquisition.

The report recommends that clauses relating to the process of valuation of land for acquisition be modified and that a new method to calculate indexing of the contribution for land acquisitions be applied.

Description of Item:

The current Section 94 Contributions Plans were prepared during 1998-1999 and the majority were adopted in 1999.

The land acquisition component, i.e. land Council must acquire as part of the development of the area, is based on valuations made in 1998/1999. Council acquires land for a range of purposes including active open space, passive open space, habitat protection, road network purposes, community facility buildings and detention basins.

The recent escalation of property values in Coffs Harbour means that a massive shortfall in the funds raised by Section 94 would result. This effectively means that the funds would have to be sourced from other avenues, i.e. general revenue, to acquire the lands.

To enable a realistic appraisal and valuation, the Section 94 Plans should be amended by preparing new market valuations and making the necessary changes to the Developer Contributions Plans to ensure the valuations are current by appropriate indexes. The amended Developer Contributions Plans have previously been circulated to Councillors.

Sustainability Assessment:

In general terms, levying Section 94 contributions is socially, economically and environmentally beneficial.

- **Environment**

Section 94 funds are used to provide retention basins, acquire habitat areas, etc., which are beneficial to the environment. Without the appropriate level of Section 94 contribution collection, these benefits are missed or lost.

- **Social**

The primary purpose of Section 94 funds is to provide a suitable/appropriate level of community services and facilities.

It is paramount that the services are provided; Council cannot avoid providing them. If the Section 94 funds are not adequate, Council has to fund them from other sources.

The facilities are integral to the social well being of the community.

cont'd

Ped71 Section 94 Contributions Plans (cont'd)

- **Economic**

Section 94 funds are used to provide facilities and services.

If the Section 94 funds are not sufficient to cover the costs involved, then Council's other resource streams are used, thus effectively meaning some other functions of Council do not have an adequate budget.

Summary:

The Section 94 plans could leave a shortfall for land acquisitions, as they are based on old valuations. The valuations need to be brought up to current market values.

To modify or amend the Developer Contributions Plans, Council must exhibit the draft changes for 28 days.

It is the conclusion of this report that the valuations be reassessed, the Contributions Plans be modified and placed on public exhibition for 28 days.

Recommendation:

That Council:

1. **Adopt the Draft Developer Contributions Plans as circulated to Councillors for exhibition purposes.**
2. **Advertise the Draft Development Contributions Plans in accordance with the Section 94 Contribution Manual and Clause 31 of the Environmental Planning and Assessment Act Regulations 2000.**
3. **After exhibition, a further report is put back to Council detailing any submissions received.**



**Rick Bennell
Acting Director
Planning, Environment and Development**