

Coffs Harbour Administration Levy Contributions Plan 2024

Adopted: February 2024



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GLOSSARY & ABBREVIATIONS

Meanings of terms and abbreviations used in the plan are provided below:

Applicant means the person, company or organisation submitting a development application.

Catchment means a geographic or other defined area to which a contributions plan applies.

CDC means complying development certificate.

Consent authority has the same meaning as in the EP&A Act but also includes a registered certifier responsible for issuing a complying development certificate.

City means City of Coffs Harbour.

DPE means the Department of Planning and Environment.

EP&A Act means the NSW Environmental Planning and Assessment Act 1979.

EP&A Regulation means the NSW Environmental Planning and Assessment Regulation 2021.

LEP 2013 means the Coffs Harbour Local Environmental Plan 2013.

LGA means local government area.

Local infrastructure means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

Material public benefit means something provided by an applicant, other than the dedication of land or the payment of a monetary contribution, which does not relate to an item appearing in the works schedule of a contributions plan.

Nexus means the relationship between expected types of development in the area and the demand for additional public facilities to meet that demand.

Planning agreement means a voluntary planning agreement referred to in s7.4 of the EP&A Act.

Social housing provider has the same meaning as in State Environmental Planning Policy (Housing) 2021.

Works in kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

EXECUTIVE SUMMARY

The Coffs Harbour Administration Levy Contributions Plan (Plan) authorises the City of Coffs Harbour ('City') to collect contributions of money from developers to provide for local infrastructure needed by the relevant development under this plan.

This Plan describes where a contribution is required, what development it applies to, and how to calculate and pay the contribution. The appendices describe how the contribution rates have been determined and what infrastructure and services the City will provide using the contributions.

Where this Plan applies

This plan applies to the Coffs Harbour Local Government Area with the exclusion of land included in the Woolgoolga Town Centre S7.12 Contributions Plan. The Plan area can be seen at Figure 1.

Contributions rates

The applicable contributions rates that apply under this plan are shown in Table 1 below:

Table 1: Contributions rates for development under this plan

Per Person Contribution	Per Conventional lot, Dwelling	Per Small Dwelling
\$86.05	\$223.73	\$156.61

Applicable development

This Plan applies to development that needs consent, including complying development, and that generates an increase in demand for local infrastructure. Certain development is excluded in accordance with Section 1.4 of this plan.

Calculating the contribution

Consent authorities, including the City and accredited certifiers, are responsible for determining the contribution in accordance with this Plan. The consent authority will calculate the contribution in accordance with the formulas in Section 2.

Imposing the contribution

If a contribution is payable, the consent authority will include a condition in the consent or in the case of complying development the complying development certificate specifying the contribution payable. To ensure that the value of contributions is not eroded over time, the City will index the contribution payable at the time of payment in line with changes to the Roads and Bridge Construction Producer Price Index (RBI) for NSW.

Paying the contribution

In the case of a development application, the condition of consent requiring the contribution will require the contribution to be paid prior to the issue of a construction certificate.

For development involving subdivision, the contribution must be paid prior to the release of the subdivision certificate (linen plan) for each stage.

For development that involves both subdivision and building work – the contribution must be paid prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

Applicants should contact the City's Contributions Team on (02) 6648 4000 or email contributions@chcc.nsw.gov.au for information relating to payment options.

The City will provide a receipt confirming receipt of payment. In the case of a development application, applicants can provide a copy of the receipt to their accredited certifier to assist with obtaining a construction certificate.

Complying development

Complying development is a combined planning and construction approval for minor development proposals that can be determined through a fast-track assessment by the City or an accredited private certifier, without a development application. Complying development allows for a range of proposals, including the construction of a new dwelling house, alterations and additions to a house, new industrial buildings, demolition of a building, and changes to a business use.

Accredited certifiers are responsible for ensuring that a condition is imposed on a complying development certificate in accordance with this Plan. They must notify the City of their determination within two (2) days of making the determination, in accordance with Section 141(4) of the Environmental Planning and Assessment Regulation 2000.

Applicants must pay their contribution before commencing the complying development works.

1 BACKGROUND

The Administration Levy Contributions Plan (Plan) authorises contributions to be imposed on developments under Section 7.11 of the Environmental Planning and Assessment Act (the Act).

There are particular requirements that must be met in order for a consent authority to impose section 7.11 contributions on developments. These include the following:

- Contributions can only be imposed if the consent authority considers that the development 'will or is likely to require the provision of or increase the demand for public amenities and public services within the area' (s7.11(1)).
- Contributions toward recoupment of facilities can only be imposed if the facilities were provided in preparation for or to facilitate the carrying out of development in the area and the development will benefit from the provision of those public amenities or public services (s7.11(3)).
- Contributions that are imposed must be reasonable (s7.11(2) and (4)), and a developer may appeal to the Land and Environment Court on the grounds that contributions imposed on a development are unreasonable in the particular circumstances of the case (s7.13(3)).

These requirements mean that any section 7.11 contributions plan should show that the contribution rates are reasonable by explaining the relationship between the anticipated developments and the deliverables included in the plan that is needed to meet the demands of those developments.

So that the contributions that are imposed are reasonable, the section 7.11 contribution rates in this plan have been calculated having regard to the principles of nexus and fair cost apportionment. This has included consideration of whether the infrastructure serves existing or new populations or both.

1.1 Purpose of this Plan

This Plan commenced on 26 February 2024. It was prepared by the City of Coffs Harbour (City) under Section 7.11 of the Act.

The Plan's primary purpose is to authorise a consent authority including the City and an accredited certifier to require a contribution to be made towards the preparation and administration of the City's contribution plans.

These administrative functions include, but are not limited to:

- contributions plan preparation
- monitoring and reviewing of contribution plans to ensure adequate funding is being achieved for the provision of infrastructure and services included in the City's contributions plans
- statutory requirements of notifying plans and review of submissions
- co-ordinate voluntary planning agreements in accordance with the City's policy
- negotiations and co-ordinating works in kind agreements in accordance with the City's policy
- provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of contributions on an equitable basis throughout the City of Coffs Harbour local government area (LGA)
- ensure the City's management of development contributions complies with relevant legislation and guidelines and achieves best practice in plan format and management.

The Plan authorises these bodies to require a contribution in the following circumstances:

- The City or a consent authority, when granting consent to an application to carry out development to which this Plan applies.

- An accredited certifier, or the City, when issuing a complying development certificate for development to which this Plan applies.

1.2 Where this Plan applies

This plan applies to the whole Coffs Harbour Local Government Area excluding land included in the Woolgoolga Town Centre S7.12 Contributions Plan.

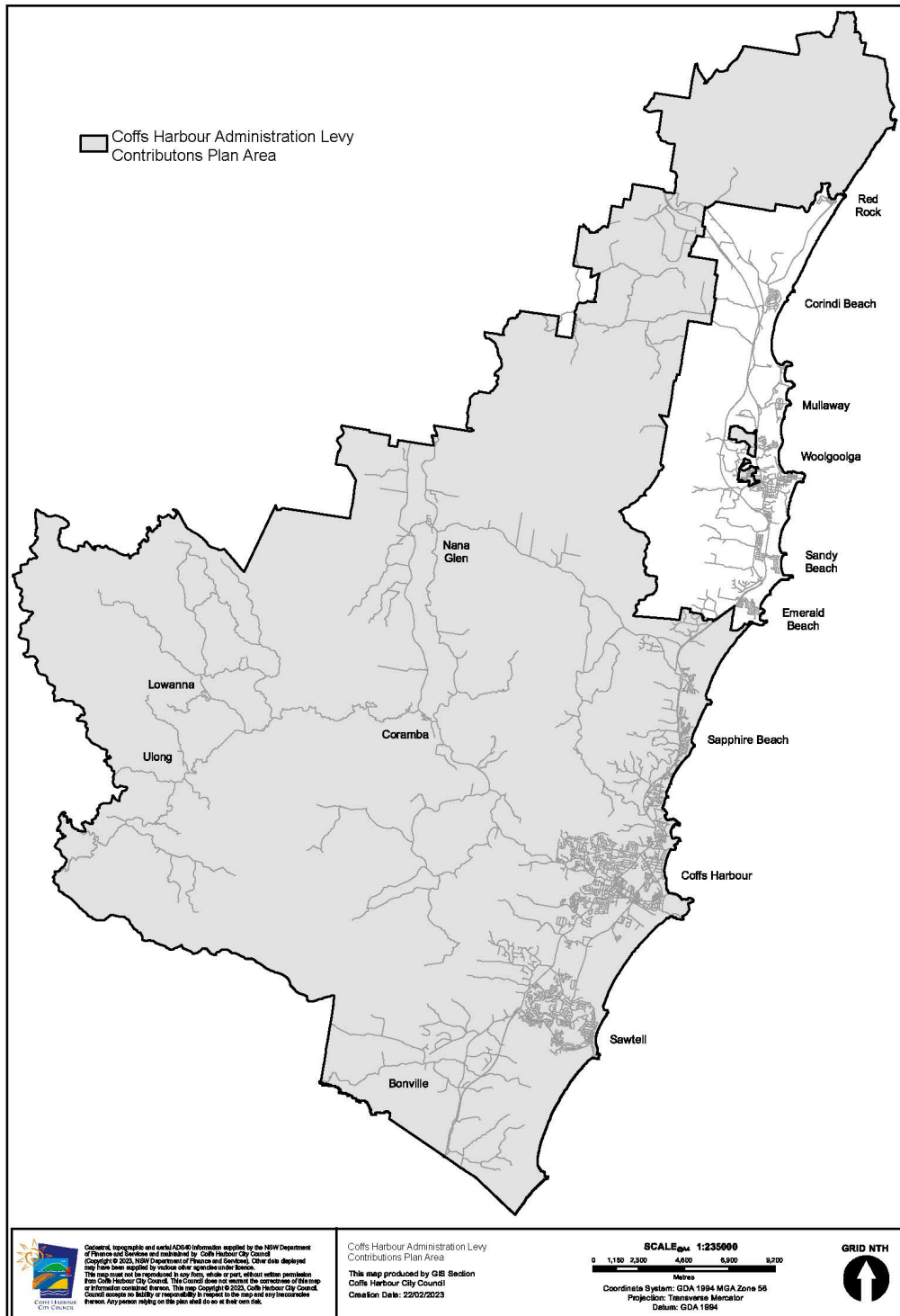


Figure 1: Coffs Harbour Administration Levy Plan boundary

1.3 Development this Plan applies to

The following development requires a contribution:

- Development that is located on land to which this Plan applies, as shown in Figure 1, and needs consent, including complying development and Crown development; and
- The development results in a net population increase in accordance with Section 2.2; and
- The development is not excluded in accordance with the following section.

1.4 Development that is exempted from this Plan

This Plan DOES NOT apply to the following types of development:

- Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan.
- Alterations and additions to an existing dwelling, including extensions involving the provision of additional bedrooms.
- Demolition of an existing dwelling and construction of a replacement single dwelling.
- Affordable housing or social housing by a social housing provider. If the development is mixed use, only the affordable housing/social housing component will be excluded.
- Development excluded from section 7.11 contributions by a Ministerial direction under section 7.17 of the Environmental Planning and Assessment Act 1979.

For the City to consider claims for exemption from contributions under this plan, the development application should include a comprehensive submission arguing the case for exemption, which includes the following details:

- For an affordable or social housing development – evidence that the applicant is a ‘social housing provider’ and that the development meets the relevant definitions provided in State Environmental Planning Policy (Housing) 2021, for the purposes of satisfying the Section 7.17 Direction.
- Any other information the City requests due to the particular circumstances of the case.

If the City is satisfied the development is consistent with the relevant exclusion, it will exclude the development from the need to pay a contribution. In the case of complying development, the City must first verify any exclusions in writing.

1.5 Administration

1.5.1 Relationship to previous plans

This Plan repeals / replaces:

- Coffs Harbour Administration Levy Contributions Plan 2019

This contributions plan should be read in conjunction with the following contribution plans:

- Coffs Harbour Surf Rescue Facilities Contributions Plan 2024
- Coffs Harbour Open Space Contributions Plan 2024
- Coffs Harbour Road Network Contributions Plan 2024

- Where applicable the relevant release area contributions plan
- The City's Development Servicing Plans (DSPs)

1.5.2 Transitional arrangements

Under this plan the following transitional arrangements apply:

- Applications for consent under section 4.12 of the Act and applications to modify a consent under section 4.55 of the Act made before this Plan's commencement date will be determined against the contributions plan that applied at the date of development consent determination. Similarly, all section 4.55 modifications that relate to development applications determined before the Plan's commencement will apply the approved contributions plan at the date of determination.
- Applications for consent under section 4.12 of the Act and applications to modify a consent under section 4.55 of the Act made on or after this Plan's commencement date will be determined under this Plan.

1.5.3 Use of contributions

The City will allocate contributions under this Plan towards the co-ordination and administration of the City's contribution plans in accordance with the schedule in Appendix B. The City will 'pool' contributions within each category so it can deliver works in an orderly and timely manner and help meet the demand of the incoming development.

1.5.4 Accountability and public access to information

The City is required to comply with a range of financial accountability and public access requirements related to the Plan. These include:

- a) maintenance of, and public access to, a contributions register,
- b) maintenance of, and public access to, accounting records for contributions receipts and expenditure,
- c) annual financial reporting of contributions, and
- d) public access to contributions plans and supporting documents.

Any member of the public can view these records free of charge and upon request with reasonable notice at the City's Administration Centre during normal office hours. This Plan and the City's Annual Report are also available on the City's website.

1.5.5 The life of this Plan

This Plan is intended to cater for a planning period of 2023 until 2028, which is the period for which the population forecasts have been prepared.

The Plan will be monitored and if growth appears likely to occur earlier or later than forecast, the operation period of the Plan may be adjusted as necessary.

1.5.6 Review of this Plan

The City will review this Plan at least every two years to ensure it addresses community needs, responds to changes in development conditions and reflects the City's priorities and relevant legislation.

2 HOW ARE CONTRIBUTIONS CALCULATED

2.1 Summary of contribution rates

Summaries of the contributions rates are included in Appendix A and Table 1.

2.2 Summary of contribution rate formulas

Contribution rates for infrastructure in this plan are calculated on the expected resident population in the area, the costs of each facility, and the portion of the cost that should reasonably be met by the future population of the relevant Plan area.

Contribution rates for most of these facilities have been determined using the following formula:

$$\text{Contribution per person} = \sum \frac{\$INF}{P}$$

Where:

\$INF = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the items required to meet the development

P = The expected net additional resident population anticipated to occupy the development in the relevant Plan area as appropriate.

Per person contribution rates are converted to per dwelling contribution rates using the occupancy assumptions in Section 4.1.

2.3 Calculating contribution amounts

The methods for calculating a contribution under this plan for each of the development types addressed by this Plan are discussed below.

Applicants and accredited certifiers should note that the monetary contribution rates shown in the Appendices reflect the contribution rates at the date that the plan commenced. These rates are regularly adjusted for inflation in accordance with the provisions of Section 3.1 of this plan. Applicants should contact the City for information on the latest contribution rates.

The total Section 7.11 contribution for residential accommodation development is calculated using the rates shown in the Appendices, as adjusted by Section 3.1, less any allowance for existing social infrastructure demand arising from existing developments, if applicable.

The total Section 7.11 contribution for other development is also calculated using the rates shown in the Appendices. Other development is generally levied contributions on the first urban development of the land after its rezoning for urban purposes.

3 IMPOSING THE CONTRIBUTION

If the consent authority determines a contribution is required, the consent authority will impose a condition in the consent or complying development certificate requiring the contribution. The condition must specify the contribution amount payable and how the contribution amount will be indexed.

3.1 Indexation

Contribution rates under this Plan and the estimated costs upon which they are based will also be indexed by the City on a regular basis consistent with the below methodology. The adjustment of contribution rates and estimated costs will occur by way of an amendment without the need to prepare a new contributions plan, in accordance with the *Environmental Planning and Assessment Regulation 2021*.

The consent authority will also index the contribution rates in Table 1 and Appendix A and any contribution imposed under this Plan for inflation at the time of consent and again at the time of payment using the following formulas. Indexed contribution rates can be viewed on the development contributions section of the City's website.

Monetary contribution rates in this plan and monetary contribution amounts in development consents will be regularly adjusted using the following indices:

- Roads and Bridge Construction Producer Price Index (RBI) – published by the Australian Bureau of Statistics (ABS) at the time of consent

The City may, without the necessity of preparing a new or amending contributions plan, make changes to the monetary Section 7.11 contribution rates set out in this plan to reflect:

- quarterly changes to the RBI, as published by ABS, for all works schedule items in this plan apart from the items comprising land yet to be acquired

All works items have adopted the **RBI for September 2023 (140.4)** as the base rate for any further indexation of contributions.

Concept development applications

The City will defer imposing contributions on concept development applications which fall under Division 4.4 of the Act. Instead, the City will apply contributions to subsequent detailed applications for approval of physical works, which relate to an approved concept application.

Contribution rates for all works schedule items (other than land yet to be acquired)

The contribution rate for works schedule items (other than land yet to be acquired) will be indexed (subject to the Note) as follows:

$$\frac{\$CA \times \text{Current RBI}}{\text{Base RBI}}$$

Where:

\$CA is the contribution rate for works schedule items (other than land yet to be acquired) at the time of adoption of the plan expressed in dollars.

Current RBI is the RBI for the quarter immediately before the time the contribution rate is reviewed.

Base RBI is the RBI at the date of adoption of this plan (September 2023 – RBI Index)

Note: The contribution rate will not be less than the contribution rate specified at the date of the adoption of this plan.

3.2 Paying the contribution

3.2.1 When to pay

The City's policy in relation to the timing of payments of monetary contributions required under this plan is as follows:

- Development involving subdivision - prior to the release of the subdivision certificate (linen plan) or strata certificate.
- Development that authorises building works or the issuing of a construction certificate - prior to the release of the construction certificate.
- Development authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the EP&A Regulation.
- Other development not requiring the issuing of a CDC or construction certificate – prior to the issuing of the first occupation certificate or commencement of the use, whichever occurs first.

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see Section 3.1 of this Plan).

3.2.2 Deferred or periodic payments (Optional)

The City may accept an application for deferral of contributions under this Plan. The applicant must apply using the City's online application form. All applications made must comply with the City's Deferred Contributions Policy. The policy and online application form are available on the City's website.

3.2.3 How to pay

Applicants should contact the City's Contributions Team on (02) 6648 4000 or email contributions@chcc.nsw.gov.au for information relating to payment options.

The City will provide a hard copy receipt confirming receipt of payment. In the case of a development application, applicants can provide a copy of the receipt to their accredited certifier to assist with obtaining a construction certificate.

3.3 Alternatives to monetary contributions

Developers can offer to dedicate land free of cost, pay a monetary contribution, provide works-in-kind or provide another material public benefit (MPB), or any combination of these, to be used for or applied towards a public purpose in full or partial satisfaction of a monetary contribution under this Plan.

The City may choose to accept any such offer but is not obliged to do so.

Applicants should refer to the City's Works-in-Kind, Dedication of Land and Voluntary Planning Agreement Policies for the City's requirements regarding these alternatives.

4 ANTICIPATED DEVELOPMENT

Feedback from community engagement sessions conducted by the City in 2017 overwhelmingly confirmed the community's desire for the City to:

- focus new development in existing urban areas;
- support a range of housing types to cater for the population as it changes and grows;
- limit urban development on high conservation value land;
- limit urban development on land impacted by natural hazards (i.e. flood, bushfire and coastal processes); and
- identify the distinctive features of the natural landscape in each locality.

The City developed its Compact City Program as part of its Local Growth Management Strategy (LGMS) taking into consideration, the community's objectives for the LGA. Under the Compact City Program, the delivery of a compact yet balanced growth model is underpinned by strategies of both consolidating the existing urban footprint and making better use of land resources in existing greenfield investigation areas, whilst optimising place outcomes. In this way, housing choice, social, environmental and economic outcomes will be achieved.

The Compact City Program will be delivered through various infill and renewal initiatives in targeted locations across the LGA, and by optimising existing greenfield areas that have been identified within the City's existing growth strategy since 2008 which have not yet been realised.

4.1 Expected development & population

The population statistics used in this Plan are based on the figures determined and released by [Forecast iD](#)¹ based on the estimates published in May 2023.

The figures show the current population of the Coffs Harbour LGA to be estimated at 81,258. This is estimated to increase to 87,522 by 2028, an increase of 6,297 over the 5 years.

This Plan area does not include land that identified in the Woolgoolga Town Centre S7.12 Contribution Plan. The adjusted population estimates based on this shows the current estimated population in the plan area to be 63,771 which will grow by 4,778 people to 68,549 by 2028.

The estimated population growth of 4,778 people will provide a net projected dwelling increase of 1837 dwellings over the 5 years of this plan.

5 CONTRIBUTION PLAN ADMINISTRATION

The City incurs significant costs in the preparation and administration of its contributions system. The administration of the contributions systems will involve many tasks some of which include:

- The preparation and review of all City contributions plans ensuring all statutory requirements are adhered to.
- Reviewing development application referrals to determine the rate of contribution applicable to development including the establishment of existing credits.

¹ These figures are a derivative of ABS data that can be accessed from the website of the *Australian Bureau of Statistics* at www.abs.gov.au.

- Accounting for contributions including indexation, monitoring and receipting payments.
- Managing the City's contributions register.
- Negotiating and coordinate the implementation of works programs, including the negotiation of works in kind and voluntary planning agreements.
- The costs of consultant studies that are commissioned by the City from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions in the contributions plan.

As these costs arise directly as a result of new development in the City's contribution plan areas, it is reasonable that the costs associated with preparing and administering these plans be funded through Section 7.11 contributions.

5.1 Nexus and apportionment

Contribution plan administration costs arrive directly as a result of the new development that will result in the growing population. It is reasonable that the costs associated with preparing and administration these plans and manage all funds collected under the plan be recouped through contributions from development in the Plan area.

In addition to administration of the S7.11 contribution plans, the contribution team also monitor and administer the City's Developer Servicing Plans. It has been determined that 50% of the teams' work is to be funded through the City's Wastewater and Water Supply Developer Servicing Plan.

It has been established the population of the Woolgoolga Town Centre S7.12 Contributions Plan area is 22% of the whole LGA population and as such only 78% of the plan cost is to be apportioned to the plan area.

5.2 Calculation of administration costs

The costs of coordination and administration of contributions plans over the next 5 years is \$1,468,515.89.

The City has collected contributions from existing development for administration costs being funded by this plan under the previous versions of the plan. These contributions will be applied as credits against the identified costs.

Coordination and administration will be shared demand with residents of the Woolgoolga Town Centre S7.12 Contributions Plan area. The apportionment of costs for the items in this plan considered this shared demand to ensure developers are not being unduly burdened.

The City's contributions team also manage charges levied under the Section 306 (2) of the Water Management Act. It has been established that \$607,490 of the administration and co-ordination costs will be funded by the City's Water and Sewer Fund as shown in Table 2.

Table 2 details the funds collected previously under this Plan and the funds from other sources that will be credited against the total costs of the Plan.

Table 2: Plan credits for existing development and other sources

Item	Plan Credit
Funds collected to date under previous plans	\$333,961
Funds from Water and Sewer Developer Servicing Plans	\$607,490
Subtotal	\$941,401

5.3 Calculation of contribution rate

Contributions under this plan are calculate dividing the cost of an co-ordination and administration by the expected potential users for that item.

The formula for the contributions rate that applies under this plan can be expressed as follows:

$$\text{Contribution per person} = \sum \frac{\$INF}{P}$$

Where:

\$INF = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the items required to meet the development

P = The expected net additional resident population anticipated to occupy the development in the relevant Plan area, or the design population of the particular facility, as appropriate.

To determine the contribution per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Appendix A.

Appendix A: Contribution rates

ADMINISTRATION LEVY CONTRIBUTION RATES

	Per Person Contribution	Per Conventional lot, Dwelling	Per Small Dwelling
Administration Levy Contribution Rates	\$86.05	\$223.73	\$156.61

Appendix B: Schedule of costs

Item	Cost	Funds from Other Source	Plan Credit	Apportionment	Plan Cost	Demand (persons)	Contribution Rate \$ per person
Contributions Teams staffing costs	1,214,880.20						
Contributions Strategic Steering Group	143,635.69						
Software and Office Equipment	110,000.00						
Subtotal	1,437,225.37	607,440.10	333,961.13	78%	411,149.44	4778	86.05