



CUMBALUM PRECINCT A

Ballina Shire Development Control Plan 2012 Amendment No. 4 & Cumbalum Urban Release Area Precinct A Contributions Plan 2014

Exhibition Documentation

10 December 2014 – 23 January 2015

Submissions close 23 January 2015

Cumbalum Precinct A – Draft DCP Amendment No.4 & Draft Contributions Plan

TABLE OF CONTENTS

EXHIBITION NOTICE 1
DRAFT DCP AMENDMENT NO.4 – AMENDMENT DETAILS 2
DRAFT CONTRIBUTIONS PLAN – DETAILS 5
SUBMISSIONS 6
APPENDICES 7
 Appendix A – DCP Amendment No. 4 – Site Specific Development Controls – Cumbalum Precinct A 7
 Appendix B – DCP Amendment No.4 – General Amendments..... 8
 Appendix C – Draft s.94 Developer Contributions Plan..... 9



Note:

This exhibition document only contains details of the relevant amendments to the DCP as proposed in Draft Amendment No. 4 and the Draft Precinct A Contributions Plan. A full copy of the current adopted DCP and existing Contributions Plans are available on Council's website at www.ballina.nsw.gov.au or can be viewed by arrangement by contacting Council's Strategic and Community Facilities Group on telephone 6686 1284.

EXHIBITION NOTICE

**Draft Amendment No.4 Ballina Shire Development Control Plan 2012
and Draft s.94 Developer Contributions Plan**

Council has prepared Draft Amendment No.4 to the Ballina Shire Development Control Plan 2012 (the DCP) that will apply site specific development controls to Precinct A of the Cumbalum Urban Release Area (CURA). This amendment includes the following elements:

- The inclusion of precinct-specific subdivision controls provided in Part 5 of Chapter 3 - Urban Subdivision. This material includes draft written controls supported by a number of maps, relating to structure, staging, mobility, landscaping and open space matters for inclusion as Section 5.6; and
- The inclusion of precinct references and general map amendments in the DCP.

A draft developer contributions plan (CURA Precinct A Contributions Plan 2014) has also been prepared to enable Council to levy monetary contributions from future developers of the land towards the provision of road, open space and community facilities infrastructure required to service the area.

Draft Amendment No.4 to the DCP and the draft CURA Precinct A Contributions Plan are on public exhibition at Council's Customer Service Centre from 10 December 2014 to 23 January 2015 and may be inspected between the hours of 8.30 am and 4.30 pm Monday to Friday (exclusive of public holidays). Draft Amendment No.4 may also be viewed at Council's Community Access Points or at www.ballina.nsw.gov.au during the exhibition period.

Council invites submissions in relation to the draft DCP amendment and the draft contributions plan. Submissions must be made in writing to the General Manager and can be lodged electronically, by mail or fax before close of business on 23 January 2015.

Enquiries: Simon Scott, Strategic and Community Facilities Group, Ph 6686 1284.

DRAFT DCP AMENDMENT NO.4 – AMENDMENT DETAILS

What is a Development Control Plan (DCP)?

A DCP is a Council policy document that contains the detailed design controls applicable to development in a local government area.

DCPs are part of a hierarchy of planning documents that establish requirements and direction for development. These documents provide the basis for development assessment in Ballina Shire and are outlined below.

- State Environmental Planning Policies (SEPPs)
- Local Environmental Plans (LEPs)
- Development Control Plan (DCP)

Under the local planning framework, the LEP and DCP provide the basis for development assessment. The LEP establishes the overarching local planning policy of Council, focusing on the permissibility of land uses in different areas of the shire and development standards that direct land use outcomes. The DCP provides a greater level of detail in relation to the delivery of development outcomes and incorporates a variety of planning objectives and development controls that form Council's local planning policy when used in conjunction with the LEP.

Councils are responsible for the preparation and content of DCPs and, unlike the LEPs, there is no requirement for State Government endorsement.

The Ballina Shire Development Control Plan 2012 is the current DCP in operation in Ballina Shire.

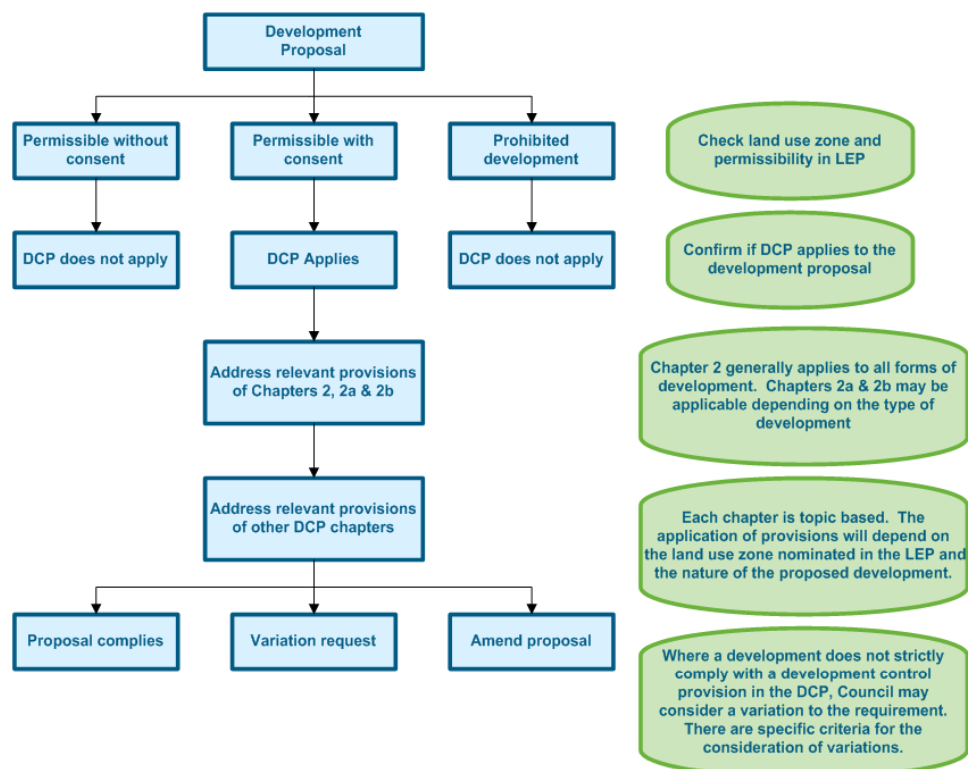
How does the DCP affect what I can do on my land?

The DCP contains the specific provisions which guide how particular forms of development can be undertaken.

The Ballina Shire Development Control Plan 2012 is designed to apply in conjunction with the two LEPs applicable to land in Ballina Shire.

The steps in determining the application of the DCP are provided in the flowchart on the next page. The DCP only applies when development consent is required.

Development Control Plan Flowchart



Draft DCP Amendment No.4 (Cumalum Precinct A)

The amendments proposed in Draft Amendment No.4 to the Ballina Shire Development Control Plan 2012 relate to the introduction of site specific subdivision controls for Precinct A of the Cumalum Urban Release Area (CURA). The amendment to the DCP also includes amendment to other aspects of the DCP, relating to the identification of the precinct in relation to the specific subdivision provisions and application of natural areas and habitat provisions.

Site Specific Controls

Site specific subdivision controls have been prepared to guide the future development of Cumalum Precinct A. In addition to the site specific controls for Cumalum Precinct A, other relevant provisions of the DCP will apply to future development in Cumalum Precinct A. The site specific controls address only those matters that are particular to Cumalum Precinct A.

The development controls relate to matters including urban structure and design, infrastructure delivery, open space and environmental restoration works. The controls comprise a combination of written controls and mapping relating to structure, staging, mobility, landscaping and open space matters.

The site specific controls are contained in Appendix 1.

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

General Amendments

The general amendments proposed to the general provisions of the Ballina DCP 2012 are outlined in the following table. The proposed general amendments are contained in Appendix 2.

DCP Part / Section	Proposed Amendment
<i>Map Amendments</i>	
Special Area Controls Map - Subdivision	Identifies land to which precinct-specific controls apply. Triggers the need to consider proposed section 5.6 of the DCP.
Natural Areas & Habitat Map	Identifies land proposed (in the Precinct A Planning Proposal) to be zoned E2 and E3 within the precinct (with a 50m buffer). Identification on this map triggers the need for compliance with Section 3.3 of the DCP relating to the protection and enhancement of ecologically significant areas. Note: The E zones are to be deferred from the LEP amendment due to the State Government's E zone review. However, this amendment to the DCP, and the associated application of environmental provisions to parts of the release area, can be undertaken regardless of the E zone review.

DRAFT CONTRIBUTIONS PLAN – DETAILS

Developer Contribution Plans

Council is able to collect funds from developers to provide and upgrade infrastructure as part of development that is undertaken. The nature and extent of infrastructure provided and monetary contributions collected by Council varies depending on the type and scale of development and what contributions plans are in place.

Section 94 developer contributions plans are plans that enable the collection of contributions for specifically planned infrastructure and the monetary rate at which developers must contribute towards the identified items. These plans are called section 94 plans because they are prepared in accordance with section 94 of the *Environmental Planning and Assessment Act 1979*.

CURA Precinct A Contributions Plan 2014

A Draft Contributions Plan has been prepared, in accordance with s.94 of the *Environmental Planning and Assessment Act 1979* for the Cumalum Precinct A Urban Release Area (CURA Precinct A). The purpose of the contributions plan is to enable Council to levy monetary contributions from developers towards the provision of road, open space and community facilities infrastructure required to service the future open space needs of the community.

The contributions plan has been prepared having regard for the imposition, by the NSW State Government, of a limit on the amount of development contributions that may be levied on development. In the case of Cumalum Precinct A, that limit is a maximum of \$30,000 per dwelling. Existing shire-wide development contributions, relating to the upgrade of shire-wide roads and the provision of regional open space and community facilities, are currently in the order of \$16,299 per dwelling. The introduction of the Precinct A Contributions Plan will impose a further charge of \$13,062 per dwelling for development within Cumalum Precinct A, making a total contribution payable (at the time of writing) of \$29,361 per dwelling for future development in Precinct A. Contributions payable are indexed annually to CPI up to the specified State Government limit.

The Draft Cumalum Precinct A Contributions Plan is contained in Appendix 3.

Infrastructure Items

Specifically, the Draft Precinct A Contributions Plan provides for the collection of funds for the following items of infrastructure:

- Playing fields and courts including access road, parking and amenities;
- Central district park;
- Community hall; and
- Contribution towards the upgrade of the Ross Lane / Pacific Highway intersection.

SUBMISSIONS

Exhibition & Information Viewing Details

Draft Amendment No.4 to the Ballina Shire Development Control Plan 2012 and the draft CURA Precinct A Contributions Plan will be publicly exhibited for a minimum period of 28 days in accordance with legislative requirements.

Exhibition Duration: 10 December 2014 – 23 January 2015

Draft DCP Amendment No. 4 and the draft CURA Precinct A Contributions Plan are on public exhibition at Council's Customer Service Centre and may also be viewed online at Council's website www.ballina.nsw.gov.au or at Council's Community Access Points as detailed below.

Community Access Points

BALLINA

Council's Customer Service Centre, 40 Cherry Street, Ballina
Ballina Library, 8 River Street, Ballina

ALSTONVILLE

Alstonville Library, 42-46 Commercial Road, Alstonville

LENNOX HEAD

Lennox Head Library, 3 Park Lane, Lennox Head

Submissions

Public submissions and engagement with Council in relation to Draft Amendment No.4 to the DCP and the draft CURA Precinct A Contributions Plan are encouraged. Submissions must be made in writing to the General Manager and can be lodged electronically, by mail or by fax as detailed below.

Email council@ballina.nsw.gov.au

Mail **General Manager**
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Fax **(02) 6686 7035**

Further Information

If you require any further information in relation to Draft Amendment No.4 to the DCP and/or the draft CURA Precinct A Contributions Plan, please contact Simon Scott in Council's Strategic & Community Facilities Group on (02) 6686 1284.

APPENDICES

**Appendix A – DCP Amendment No. 4 – Site Specific
Development Controls – Cumalum Precinct A**

Ballina Shire Development Control Plan 2012

CHAPTER 3 – PRECINCT-SPECIFIC CONTROLS - CUMBALUM VIEWS

5.6 Cumalum Views

5.6.1 Application

Applies to:	
Location/s:	Cumalum Precinct A, to be known as Cumalum Views (as shown on Special Area Controls Map – Subdivision)
Development Type/s:	Subdivision

5.6.2 Planning Objectives

- a. Establish “*Cumalum Views*” as a distinct residential community reflecting its location, topography and views.
- b. Provide reasonable certainty for developers and residents regarding the broad subdivision layout while providing flexibility with respect to the detailed configuration of roads and allotments and the built form of Cumalum Views.
- c. Ensure that the future urban development of Cumalum Views integrates with the Ballina Heights Estate (in terms of road and pathway networks, infrastructure servicing, active and passive open space etc) and allows the creation of a unique character which differentiates it from Ballina Heights.
- d. Ensure that the future urban development of Cumalum Views complements the urban development to the north and east in terms of access, facilities and infrastructure.
- e. Ensure that infrastructure is designed and provided on a co-ordinated basis having regard for the likely future staging of the urban area.
- f. Ensure that infrastructure services, open space and community infrastructure is provided in an orderly and economically feasible manner, sufficient to service the needs of future residents.
- g. Provide for a range of residential densities and built forms.
- h. Encourage higher density residential development in locations that are well situated in respect of facilities and services.
- i. Ensure that residential allotments are of a sufficient size and shape to accommodate anticipated diversity of housing densities/uses.
- j. Create a functional, attractive and pleasant place to live with a central public open space that forms the community hub.
- k. Provide a balanced outcome of respecting and linking environmental qualities, topography and efficient development of built form while protecting the environmental values of the land.

5.6.3 Development Controls

A. Element - Layout of the Village

- i. Development applications for the urban subdivision of the land are to be generally consistent with the following plans (refer Appendix A):

Figure 1: Structure Plan – Cumalun Views

Figure 2: Mobility Plan – Cumalun Views

Figure 3: Open Space Plan – Cumalun Views

Figure 4: Landscape and Special Places Plan – Cumalun Views

Figure 5: Staging Plan – Cumalun Views

Figure 6: Context Plan – Cumalun Views

- ii. Applications for the subdivision of land (not involving Strata subdivision) are to be accompanied by information that demonstrates how the proposed subdivision stage integrates with:

- The plans contained in Appendix A, referred to above;
- The existing or likely subdivision pattern (particularly roads, pedestrian pathways, open space, ecologically significant land) of the land adjoining the specific stage (including land in the Ballina Heights Estate to the south, the proposed new urban area to the north and any future urban areas to the east); and
- The utilities and infrastructure servicing of the subdivision (including existing infrastructure services).

- iii. Cumalun Views is to be developed with the following characteristics:

- A residential character with smaller lots that respond to the topography along the local connector and bus route, and a diversity of housing types and lot sizes across the remaining land;
- A public realm which strengthens its residential character and includes a central community hub and open space adjacent to the water reservoirs, and an entry statement at the southern entrance to the precinct;
- A predominantly local traffic environment with minimal through traffic from urban development to the north and Ross Lane;
- A diversity of housing that is orientated to public roads and open space to enhance surveillance of the public areas;
- The creation of sport fields in the north-eastern area of the precinct that links to the recreational area of the urban area to the north; and

- iv. An integrated network of pedestrian/cycle paths is to be provided throughout Cumalun Views to provide safe, convenient and direct access to and within the residential precincts.

- v. A child care centre (or pre-school) site is to be provided within 400m of the central district park.

B. Element – Infrastructure Provision

- i. The subdivision is to be fully serviced with water, sewer, roads, drainage and underground electricity and telecommunications services.
- ii. Service infrastructure is to be constructed on a staged basis to accommodate staged land release in accordance with – *Cumalum Views Staging Plan* - Figure 5.
- iii. Service infrastructure internal to the development site is to be provided by the developer at no cost to Council.

Dual reticulation water supply

- iv. A dual-reticulation water supply for recycled water is to be provided throughout the development in accordance with Council's Recycled Water Scheme.
- v. The developer is to incorporate on the Certificate of Title for all allotments, Restrictions as to User which requires all dwellings and buildings with plumbing (including commercial buildings and the like) to make provision for recycled water service plumbing and facilities to the approval of Council.

Roads and access

- vi. The road hierarchy through Cumalum Views is to be based on major access/egress road connections from the south, via Ballina Heights Drive (BHD), and from the north via connection to Sandy Flat Road and future link road connection to Cumalum Precinct B. Internal roads are to be designed to reflect current engineering standards and the amenity of the residents, and take into account the topography and drainage characteristics of the land.



Notes:

Variations from engineering standards, where specific uses and conditions may warrant a departure from those standards, will be considered on merit.

- vii. Safe pedestrian access is to be provided across Cumalum Views precinct, as shown in *Cumalum Views Mobility Plan* – Figure 2 so that residential areas can link with one another, the shopping centre in Ballina Heights, open space, sports fields and community infrastructure.
- viii. Traffic calming measures are to be implemented at the northern entrance to Cumalum Views, as shown on the *Cumalum Views Mobility Plan* – Figure 2, to encourage south-bound through-traffic (from the north) to travel via Sandy Flat Road

and Tamarind Drive rather than passing through Cumalum Views. These traffic calming measures are to be implemented while maintaining reasonably convenient and direct connections between Cumalum Views and Cumalum Precinct B, in both directions.

- ix. The road network is to be designed to provide for designated bus routes and bus stops in locations which provide safe and convenient access for residents.

Pedestrian/cycle network

- x. An integrated pedestrian/cycle path network is to be provided as shown on *Cumalum Views Mobility Plan* – Figure 2. The pedestrian/cycle path may, in some cases, perform a drainage function and/or provide access for servicing authorities.
- xi. A pedestrian path is to be provided at or near the head of any cul-de-sac so as to connect adjacent cul-de-sacs and enable pedestrians and/or cyclists to have direct access from one cul-de-sac to the other without having to travel a longer distance by road.
- xii. One primary off road pedestrian/cycle path (minimum 2m width) is to be provided to link Ballina Heights with Cumalum Views (as shown on *Cumalum Views Mobility Plan* Figure 2).

Traffic management facilities

- xiii. At the southern and northern entrances to Cumalum Views, the road treatment should change to encourage a slowing of traffic movement but also to assist with the creation of a transition into Cumalum Views.

Public transport movement

- xiv. The main local collector road is to be constructed as generally shown on the *Cumalum Views Structure Plan and Mobility Plan*– Figure 1 and 2, and function as the primary public transport route through Cumalum Views.
- xv. The main local collector is to be designed to accommodate designated bus routes and bus stops in locations which provide safe and convenient access to residents.
- xvi. The public transport route is to provide a turn around loop on the northern end of each stage of Cumalum Views while it is under construction to ensure efficient public transport services from Cumalum Views to Ballina Heights and to Ballina town can occur easily in both directions.

Stormwater

- xvii. Development proposals are to demonstrate that development will not adversely impact on the downstream natural environment or on adjacent private property due to increased stormwater volume.
- xviii. The developer is to incorporate on the Certificate of Title for all allotments Restrictions as to User which identifies installation and maintenance obligations for stormwater treatment devices (where required).
- xix. Development applications for subdivision are to be accompanied by an integrated Stormwater Management Plan for each stage in order that the cumulative impacts associated with the development of Cumalum Views as a whole are considered. Major stormwater detention/treatment areas are identified on *Cumalum Views Structure Plan* – Figure 1.
- xx. Stormwater detention areas are to be located above the Q100 flood level.
- xxi. Stormwater treatment and disposal are not to rely solely on end of line facilities. A treatment train is to be provided that incorporates a range of facilities, inclusive of measures, where appropriate, within the subdivision. To limit the impact of the increased volume of surface run-off from urbanisation on downstream hydrology, infiltration measures for low event (<Q1) storms are to be incorporated into the stormwater management system.



Notes:

Best stormwater management practices include dispersion techniques such as dissipaters, litter and debris control traps and associated trunk line drainage structures in controlling sediment and reducing phosphate/nitrate levels. Where possible and practicable, these structures are to be designed sympathetically with the surrounding environment and constructed of natural materials such as boulders and rock features and landscaped.

- xxii. Stormwater detention areas are to be designed so as to minimise the potential for mosquito habitat and facilitate easy maintenance. To achieve this, stormwater design is to:
 - Detain water for no more than 3 days
 - Be developed in consultation with a qualified mosquito consultant;
 - Consider and avoid the potential for weed proliferation;
 - Be developed in consultation with Council, to ensure the design facilitates easy maintenance; and.
 - Include details of maintenance requirements.



Notes:

In order to minimise the potential for stormwater ponds and dams to harbour mosquitoes, stormwater detention areas should incorporate the following attributes:

- i. The batter around the dam/pond is to be as steep as practical (within the design standards for public safety) to minimise shallow water (< 600mm) suited to mosquito breeding. If fencing is not used for public safety, a batter not less than 1:6 is recommended;
- ii. Normal water levels within the pond must maintain at a minimum of 600mm water depth except for the margins;
- iii. Design to facilitate wind action over the waterbody to keep the water surface disturbed to reduce availability to mosquito larvae (this requires contact with a stable surface film for respiration). Basin margins should not be planted with shrubs or trees;
- iv. Aquatic macrophytes should not be planted in more than 60% of shallow water around the margin. Where planted, macrophytes must be clumped with separations of open water allowing wind disturbance on the water surface; and
- v. Be designed in consultation with a qualified mosquito consultant/entomologist.

- xxiii. Development proposals are to incorporate environmental monitoring measures to enable staged post-development monitoring of downstream stormwater impacts at key stages in the development process. This is to include pre-development monitoring to allow benchmarking of the pre-development environmental characteristics. The location of water quality monitoring points is to be determined in consultation with the Council, prior to the placement of monitoring equipment.



Notes:

A suitably qualified ecologist (eg. Science degree) must be retained and consulted in the preparation of the stormwater management strategy. The name and experience of the author(s) must be clearly stated.

Development proposals are to have regard to *Cumalum Ridge: Inundation Investigation for Ballina Nature Reserve and Adjacent Properties*, by BMT WBM dated December 2012. Alternative stormwater systems may be considered provided that it is demonstrated that the system will achieve the required criteria for stormwater management.

- xxiv. On completion of each stage stormwater management and devices to be located on public land are to be handed over to Council.

Earthworks and filling

- i. Broad scale re-contouring (cut and fill) of the land surface is to occur only where it forms part of, and is integrated into, the lot and road layout for a “greenfield subdivision” and where it is undertaken by the developers of the subdivision during the subdivisional works.
- ii. Any development application for residential subdivision is to be accompanied by engineering plans that detail the proposed extent and method of re-contouring at subdivision and individual lot scales (including details of all cut and fill and any retaining structures).
- iii. Where retaining structures are proposed/required, they are to be of a uniform and integrated type and appearance so that there is consistency in their design/construction and so that they present well in the local landscape and streetscape.
- iv. Earthworks on created residential lots are generally restricted to a maximum cut or fill of 1500mm from the finished ground level upon completion of the bulk subdivision works for a single cut/fill, or a maximum of 1100mm per cut/fill where more than one cut/fill is proposed for the lot.

C. Element – Open Space and Community Facilities

- i. Open space and community facility infrastructure is to be provided in accordance with the Cumalum Urban Release Area Precinct A s.94 Developer Contributions Plan, and otherwise as outlined below.

Sporting fields

- ii. District sporting fields are to be provided for by the developer in the location shown on the *Structure Plan Cumalum Views* - Figure 1. The following sporting facilities are to be provided:
 - 1.2 full size playing fields/1000 head of population (two required);
 - 1.0 court/1000 head of population (two required);
 - Clubhouse and amenities;
 - Public (road) access; and
 - Car parking as per Council standards.
- iii. The sporting fields and amenities are to be fully established prior to the linen release of the 450th lot at Cumalum Views, if provided by the developer as works-in-kind.
- iv. The sporting fields are to be designed and located to comprise a minimum area of 4 hectares of usable space (not including access ways or battle axe handle areas).

District parks

- v. A district park for passive recreation, comprising a 10000m² site, is to be provided and located as depicted on the *Structure Plan Cumalum Views* - Figure 1. Native vegetation areas are not to be counted in the calculation of the area of district park to be provided.
- vi. The embellishment of the district park is to be provided prior to the linen plan release of the 250th residential lot, if provided by the developer as works-in-kind. Embellishment may include walking paths, picnic shelters, BBQ facilities and play equipment, in accordance with the s.94 plan that applies to the land.

Local Parks

- vii. Local parks, comprising a minimum usable park area of 2000m², are to service a walkability catchment of 400m and are to be provided consistent with the *Structure Plan Cumalum Views* - Figure 1.
- viii. The local park is to be provided prior to the linen release of the 250th residential lot, the second local park is to be provided prior to the linen release of the 500th lot, and the third local park is to be provided prior to the linen release of the 700th lot.
- ix. The local parks are to be embellished with play equipment, landscaping, seating and shelter.

Community building

- x. A community building (eg hall) is to be provided for by the developer in the location shown on the *Structure Plan Cumalum Views* - Figure 1.
- xi. The community building is to comprise a minimum gross floor area of 250m² inclusive of an auditorium comprising a minimum of 170m², and is to be supported with required car parking and landscaping. The site on which the community hall is to be located is to comprise a minimum of 1000m², calculated separately to the district park.
- xii. The community building is to be provided prior to the linen release of the 450th residential lot at Cumalum Views, if provided by the developer as works-in-kind.
- xiii. The community building is to be designed with articulation and roof forms that create an iconic structure for the new community.

D. Element – Special Places

- i. The district passive open space area (District Park) with a minimum area of 10000m² is to be developed in close proximity to the water reservoir, as the key “special place” for the community, as shown on the *Landscape and Places Plan Cumalum Views* – Figure 4.
- ii. A local urban community garden in Cumalum Views is to be provided in association with the district park.

- iii. The “special place” district park should align with the collector road to facilitate view sharing down the road that links the site with the coast and hinterland views.
- iv. Within 200m of entering Cumalum Views from the north and south an entry feature is to be provided with landscaping, public art and a change of road materials/treatment.
- v. The entry road from Ballina Heights into Cumalum Views is to align with the “special place” district park and be planted to create an avenue of trees as shown in *Landscape and Special Places Plan Cumalum Views* – Figure 4.
- vii. The subdivision is to incorporate the key site features as outlined on the *Landscape and Special Places Plan Cumalum Views* – Figure 4 into the subdivision design and layout for Cumalum Views to create visual interest and place making elements in the community.

E. Element – Residential Precincts

- i. Subdivision layouts are to provide for a range of housing types including dwelling houses, dual occupancies, residential flat buildings and multi dwelling housing.
- ii. Smaller lots or higher density residential development shall generally be located within 200m of the district or local parks or along the dedicated bus route.
- iii. Cumalum Views is to rely on the commercial and retail centre that will be contained in the Ballina Heights Estate to the south.
- iv. Residential areas and broad staging nominated in the *Staging Plan Cumalum Views* – Figure 5 is (as far as practicable), to achieve the net residential density contained in the table below.



Note:

Net residential density is the number of dwellings per hectare measured over the net developable area being the total area (in hectares) of residential allotments, local roads and local parks, and excluding all other land uses and environmental lands.

Stage	Anticipated Yield (dwellings)	Percentage Yield	Net Developable Area (ha)	Net Residential Density (dw/ha)
1	455	55%	40.30	11.3
2	245	27%	20.53	11.9
3	120	18%	15.95	7.5
Total	820	100%	76.78	10.7

- v. Allotments that are designed to accommodate residential flat buildings and multi dwelling housing should preferably be situated in locations which adjoin open space and which have convenient access to services and amenities. Such allotments should also satisfy the following:
 - not have an average slope of greater than 20%;

- not be of a battle-axe shape/configuration; and
 - preferably be a corner lot.
- vi. Residential lots that are identified at the subdivision stage as requiring specific residential design requirements to mitigate road traffic noise shall have relevant restrictions applied on the title of the lot.



Notes:

Contemporary road noise standards are to be met. At the endorsement of this DCP, these standards were that noise standards be met as per "Environmental Criteria for Road Traffic Noise (DECCW) for external road noise of LAeq (15 hour) 55 dB(A) between 7 am and 10 pm and LAeq (9 hour) 50 dB(A) from 10pm to 7 am.

- vii. Residential lots which are larger than 800m² and within 200m convenient access to public open space, community facilities and/or the village centre site of the Ballina Heights Estate, are to locate the primary dwelling on the lots in such a way as to have the ability at some future stage, to have a second detached dwelling erected on the lot.



Notes:

The purpose of the "flexible lot" is to provide for situations where a young family builds/occupies a dwelling house with a large yard (providing children with a safe and secure yard for recreation/play) and then when the children grow up and leave, enables the parents to continue to live in their original house with reduced land area and management/maintenance obligations as a consequence of a second dwelling being built on the lot (facilitates aging-in-place).

Element – Landscaping

- i. Roads that have a collector function, namely the major bus route, are to be provided with kerb-side tree planting so that such roads comprise tree lined boulevards or avenues as outlined on *Landscape and Special Places Plan Cumalun Views* – Figure 4.
- ii. Landscaping treatments in the public realm are to:
- a. Provide for tree lined public streets planted in a manner consistent with best practice in landscape design;
 - b. Comply with the Ballina Shire native endemic plant palate;
 - c. Create a strong overall landscape character to the Precinct; and

- d. Be integrated with the WSUD approach for the Precinct.
- iii. Key vegetation/trees as identified in the *Landscape and Special Place Plan* - Figure 4 is to be retained as key features and landscaping of the site. These trees are to be retained wherever possible and disturbance prevented to the root zones. Specific survey of isolated trees must be completed and included in any civil designs.

F. Element – Environmental Aspects

Environmental restoration and management

- i. Areas identified as Environmental Land on the *Cumalalum Views Structure Plan* – Figure 1 are to be rehabilitated and embellished in accordance with the requirements set out below.
 - Development applications are to be accompanied by a Vegetation Management Plan (VMP) that applies to all environmental management land within the stage, other than the Aboriginal Cultural Site.
 - Cleared buffers are to be provided, for bushfire and mosquito management purposes (combined), on land of no more than 15° grade, on land adjacent to rehabilitated environmental areas. Access and grade are to be such that cleared buffers can be easily maintained. Buffers may be incorporated into roadways, environmental areas (if clear of vegetation) or on private allotments. Where buffers are provided on private lots, appropriate Asset Protection Zones are to be provided in accordance with the requirements of the NSW Rural Fire Service.



Notes:

Provision for bushfire and mosquito management buffers was incorporated into the zoning of the land where possible. Space for cleared buffers has been provided within some of the environmental rehabilitation areas. Notwithstanding, the requirements for cleared buffers on land adjacent to (rehabilitated) environmental areas are to conform with Council's open space maintenance requirements and/or the Bushfire Protection requirements of the NSW Rural Fire Service.

- Proposals that involve the dedication of land to Council, as marked on *Open Space Plan Cumalalum Views* - Figure 3, are to include details of the proposed condition of the subject land upon dedication and when it is proposed that the land will be dedicated. The rehabilitation condition of the land is to be to Council's satisfaction prior to dedication. A minimum of eighty percent canopy cover (as per Walker and Hopkins 1990) is to be achieved over areas that are to be fully revegetated prior to dedication to Council.

- The majority of environmental lands will be retained in private ownership unless agreed otherwise by Council at the subdivision stage. If large lots are to be situated so to retain significant vegetation, then a feasible dwelling site is to be nominated for each such lot.
- Proposals that involve land marked on *Open Space Plan Cumbalum Views* - Figure 3 as *land to be rehabilitated and held in a single holding or Community Title* are to show how the land will be effectively managed in private ownership.
- Restoration plantings must use locally sourced stock and reflect locally occurring species within swamp sclerophyll, rainforest and wetland communities. All plants must be at least 200mm in height when planted.



Notes:

Any Vegetation Management Plans prepared must be completed by suitably qualified personnel (eg. Bush Regeneration Certificate II, Science degree).

Minimum prescriptions for Vegetation Management Plans are as follows:

1. The structure of the plan must be as follows:
 - (a) Introduction
 - (b) Aims and objectives
 - (c) Site description
 - (d) Relevant legislation
 - (e) Methodology
 - (f) Results of site assessment
 - (g) Management recommendations
 - (h) Key performance criteria
 - (i) Monitoring and reporting
 - (j) Conclusion
 - (k) References
 - (l) Appendices (where relevant)
2. The content must include:
 - A. Property descriptions and plans,
 - B. Zoning descriptions and plans,
 - C. Relevant legislation and/or policies/guidelines,
 - D. Detailed description of methods to be employed and rationale,
 - E. Vegetation description, classification and mapping using a standardised current system (eg. BioMetric, VIS 2.0),
 - F. Details on any threatened flora, fauna or communities listed under the TSC Act 1995 or EPBC Act 1999,
 - G. Specific prescriptions for the management of Hairy Jointgrass (*Arthraxon hispidus*) consistent with the recommendations in a specific (separate) Hairy Jointgrass Management Plan,
 - H. Description of vegetation condition, specifically with regard to weed species,
 - I. Inventory of flora at the site (both native and introduced), detailed description of restoration or weed control methods, using maps where relevant,
 - K. Detailed descriptions of measures to re-instate vegetation within remnant linkages on steep slopes or land prone to flooding,
 - L. Detailed descriptions (and maps) showing the relationship between vegetation management and infrastructure services (utilities, stormwater etc),

...cont.

Notes (continued):

- M. Details (and plans) regarding the construction of any structures, boardwalks, pathways or fences within or adjacent areas,
- N. Details concerning any integration of hard or soft landscaping with areas of vegetation subject to management,
- O. Detailed description of any other relevant management strategies (eg. seed collection, translocation),
- P. Incorporation of Asset Protection Zones (APZs) for bushfire protection,
- Q. Examination of any limiting measures which may reduce the implementation of prescribed works,
- R. Detailed description of Key Performance Indicators (KPIs) to achieve the objectives,
- S. Prescribed monitoring program (linked to KPIs),
- T. Timetable of works including all management strategies, timing of works, monitoring schedules and estimated costings for nominated works,
- U. Recommendations for any other works which are worthy of consideration,
- V. Methodology must be consistent with current best practice and contain the following information:
 - a. Measures to treat/control weeds at the site using approved herbicides,
 - b. Detailed planting prescriptions including: plant provenance, species selection, planting densities, planting methods, aftercare, mulching, plant protection, wallaby protection (if required), watering and fertilizing,
 - c. Protocols to reduce potential for introduction and/or management of plant pathogens, and
 - d. Details on any stabilisation /erosion/control measures where relevant.
- W. Maps and plans must be clear and easily understood and clearly show the extent of works. All maps must have a legend, north point and scale bar
- X. The name and qualifications of the Author/s must be clearly stated.

Rainforest restoration on steep slopes

- ii. For proposals involving the restoration of steep slopes (greater than 18°), Vegetation Management Plan/s are to provide specific details on how restoration works on steep slopes are to be managed, in particular:
 - Access details across steep slopes with regard to weed control, planting and maintenance for personnel, vehicles and/or machinery;
 - Details regarding the need for any specialised stabilisation or erosion controls; and
 - Details regarding the use of any machinery for earthworks (benching, cut etc) and provision of detailed design(s).

Retention of mature paddock trees

- iii. Areas of significant trees are to be retained as identified in the *Landscape and Special Places Plan* – Figure 4.
- iv. The retention of native paddock trees is to be incorporated into the preliminary subdivision design process, having regard for the following:
 - Trees must be retained wherever possible and disturbance prevented to the root zones;
 - Specific survey of isolated trees must be completed and included in any civil designs;
 - A buffer is to be established to protect any existing mature fig trees. Such buffer will extend a minimum of 20m beyond the edge of the fig tree's canopy; and
 - Where isolated trees are threatened species listed in the TSC Act 1995 or EPBC Act 1999 specific protection measures are to apply and buffer zones of a minimum of 12 times the diameter at breast height (dbh) of the tree are to apply (ie. in accordance with AS 4970-2009). Where threatened species are 'absorbed' within restoration areas, buffering requirements do not apply.



Note:

Mature paddock trees have a range of benefits including fauna habitat, sources of seed/fruit, shade, wind protection and aesthetic values.

Retention provisions apply only to native trees or mature non-native trees of aesthetic or other values (eg. Norfolk Pine, ornamental figs). Mature exotic trees (namely Camphor Laurel) are not bound by these prescriptions.

Hairy joint grass

- v. A specific Hairy Joint Grass Management Plan (HJMP) is to be developed where appropriate, to achieve a strategic approach for the species and to ensure long-term conservation outcomes are achieved. The HJMP must be integrated with the VMP such that both plans are aligned in their objectives and methods whereby outcomes are not contradictory. Where practical, one integrated HJMP is to be prepared for Cumalun Views in its entirety.



Note:

It is recognised that due to tenure and development timeframes, more than one HJMP may be need to be prepared.

G. **Element – Staging**

- i. Staging of development and servicing shall generally be in accordance with *Cumalum Views Staging Plan – Figure 5*.



Notes:

Staging of Cumalum Views is based on the efficient servicing of urban development lands for the precinct, and is linked to construction of roads and stormwater, water and sewerage infrastructure.

DRAFT

9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 1
STRUCTURE PLAN**

- Precinct Boundary
- Cadastre

- LAND USE**
- Low Density Residential Land
- Medium Density Residential Land
- Rural Landscape Land
- Environmental Land
- District Playing Fields (minimum 4ha)
- District Park
- Local Park
- Community Building
- Water Reservoir (Council owned)
- Stormwater Retention and Treatment Area
- Collector Road
- Local Access Road
- Future Road Connections
- Cumbalum Link Road / playing field access
- 400m Park Catchment (Local and District)

NOTE
 The planned community building is to be integrated with the district park. The location shown on this plan is indicative only.
 The area for the planned community building is to be provided additional to the required area for the district park.

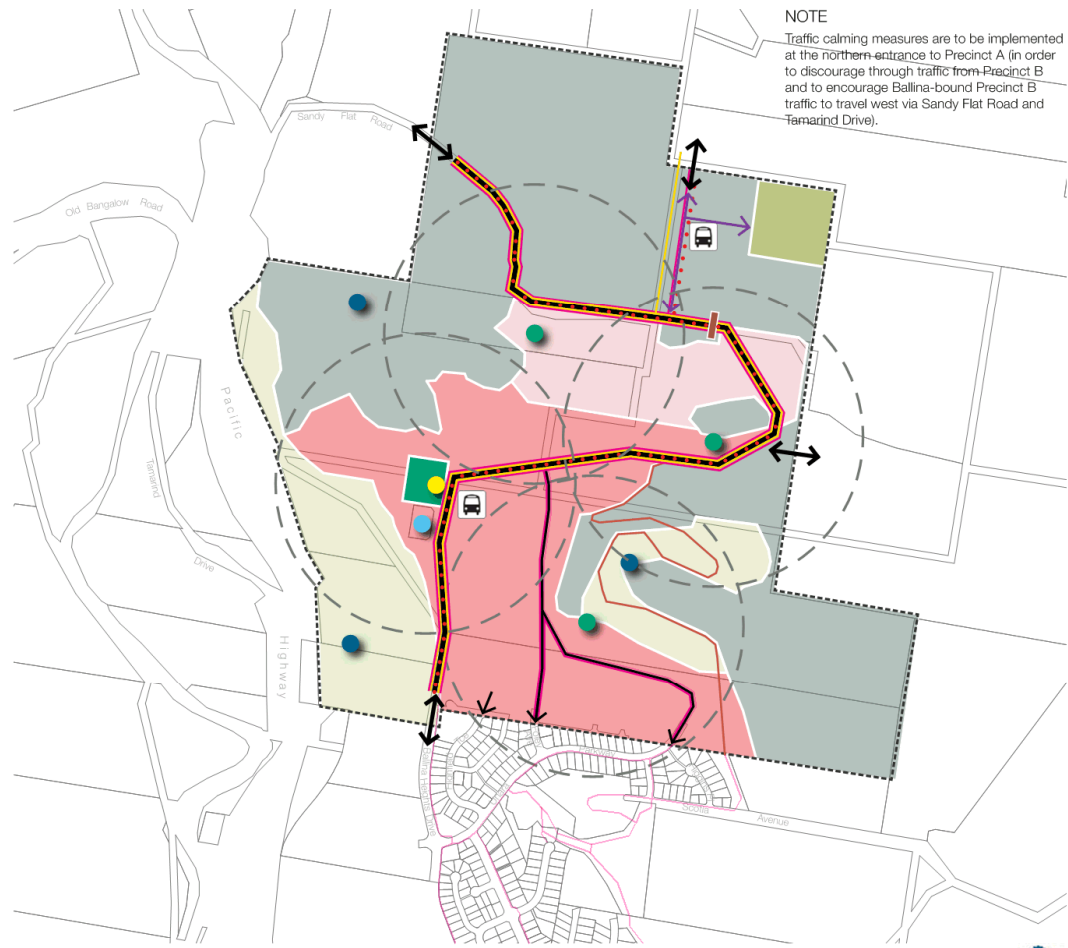


Cumbalum Precinct A, Cumbalum
 DEVELOPMENT CONTROL PLAN: CUMBALUM VIEWS


9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 2
MOBILITY PLAN**

- Precinct Boundary
 - Cadastre
 - LAND USE**
 - Low Density Residential Land
 - Medium Density Residential Land
 - Rural Landscape Land
 - Environmental Land
 - District Playing Fields
 - District Park
 - Local Park
 - Community Building
 - Water Reservoir (Council owned)
 - Stormwater Retention and Treatment Area
 - Collector Road
 - Local Access Road
 - Future Road Connections
 - Cumalum Link Road / playing field access
 - 100m Park Catchment (Local and District)
 - Potential Bus Route
 - Nominal Bus Stop
 - Dedicated On-Road Cycle Lanes
 - Major Pedestrian Paths
 - Shared Off-Road Path (mostly contained in open spaces and dedicated to Council)
 - Traffic Calming Measures
- 0 100 200 500m



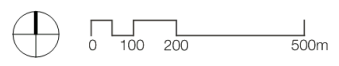
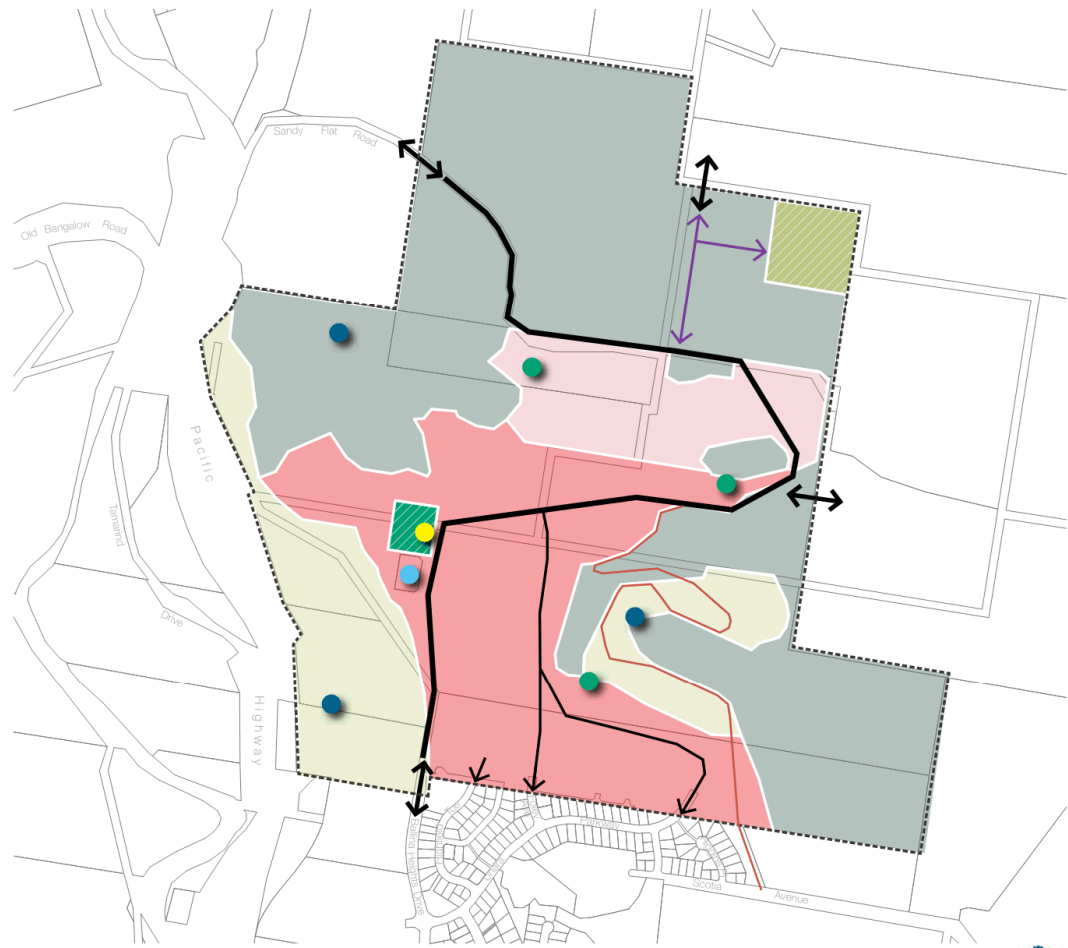
Cumalum Precinct A, Cumalum
DEVELOPMENT CONTROL PLAN: CUMALUM VIEWS



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 3
OPEN SPACE PLAN**

- Precinct Boundary
- Cadastre
- LAND USE**
- Low Density Residential Land
- Medium Density Residential Land
- Rural Landscape Land
- Environmental Land
- District Playing Fields
- District Park
- Local Park (To be dedicated)
- Community Building
- Water Reservoir (Council owned)
- Stormwater Retention and Treatment Area
- Collector Road
- Local Access Road
- Future Road Connections
- Cumalum Link Road / playing field access
- Land dedicated to Council (boundary to be refined)
- Shared Off-Road Path (to be mostly contained in open space and dedicated to Council)



Cumalum Precinct A, Cumalum
DEVELOPMENT CONTROL PLAN: CUMALUM VIEWS



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 4
LANDSCAPE & SPECIAL PLACES PLAN**

- Precinct Boundary
- Cadastre
- LAND USE**
- Low Density Residential Land
- Medium Density Residential Land
- Rural Landscape Land
- Environmental Land
- District Playing Fields
- District Park - Village Green including community garden
- Local Park
- Community Building
- Water Reservoir (Council owned)
- Stormwater Retention and Treatment Area
- Primary Avenue Planting
- Landscaping
- Local Access Road
- Future Road Connections
- Cumalum Link Road / playing field access
- Trees to be retained
- Key View Corridors
- Cultural Heritage Site
- Entry Feature



Cumalum Precinct A, Cumalum
DEVELOPMENT CONTROL PLAN: CUMALUM VIEWS



9.1 **Cumalun Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 5
STAGING PLAN**

- Precinct Boundary
- Cadastre
- Indicative Staging

- LAND USE**
- Low Density Residential Land
- Medium Density Residential Land
- Rural Landscape Land
- Environmental Land
- District Playing Fields
- District Park
- Local Park
- Community Building
- Water Reservoir (Council owned)
- Stormwater Retention and Treatment Area
- Collector Road
- Local Access Road
- Future Road Connections
- Cumalun Link Road / playing field access



Cumalun Precinct A, Cumalun
DEVELOPMENT CONTROL PLAN: CUMALUN VIEWS

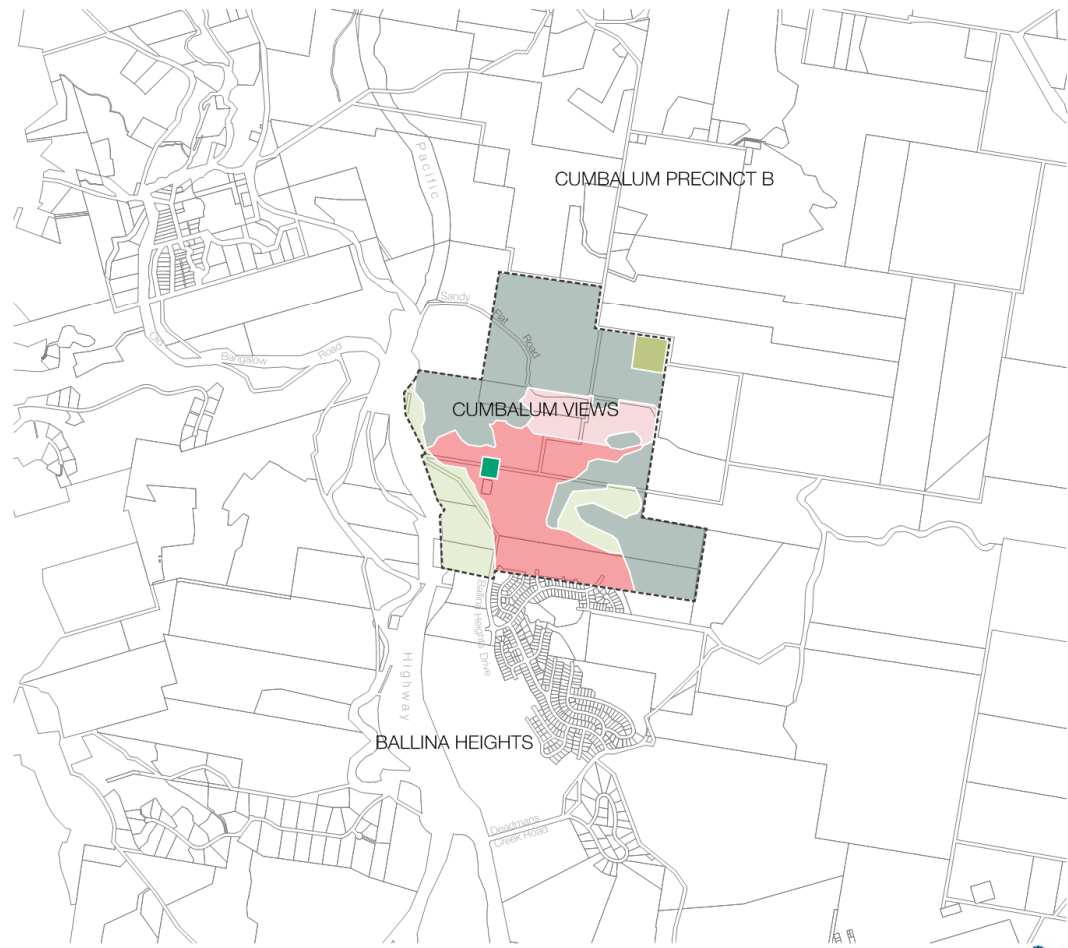



9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

**FIGURE 6
CONTEXT PLAN**

- Precinct Boundary
- Cadastre

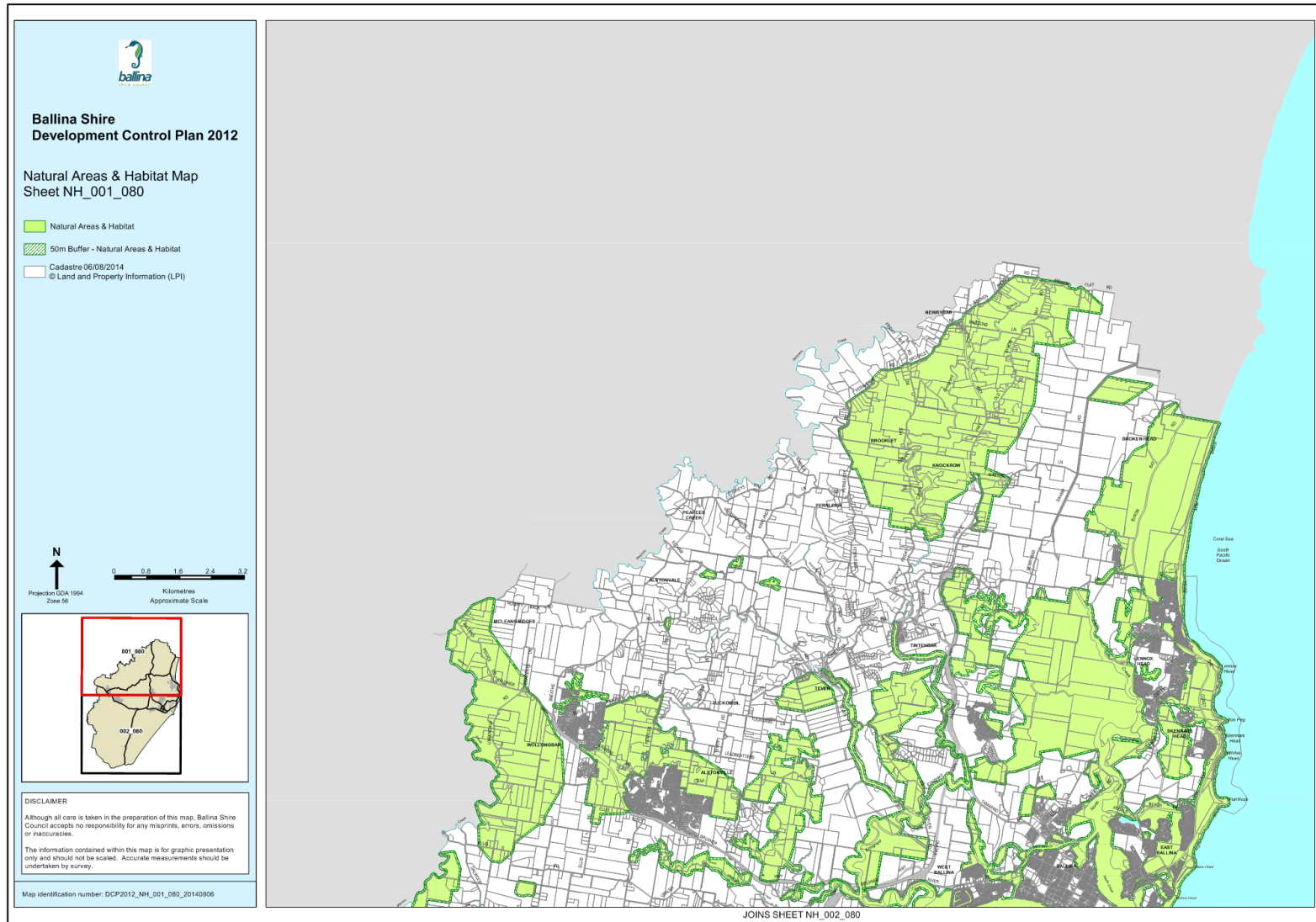
- LAND USE**
- Low Density Residential Land
- Medium Density Residential Land
- Rural Landscape Land
- Environmental Land
- District Playing Fields (minimum 4ha)
- District Park



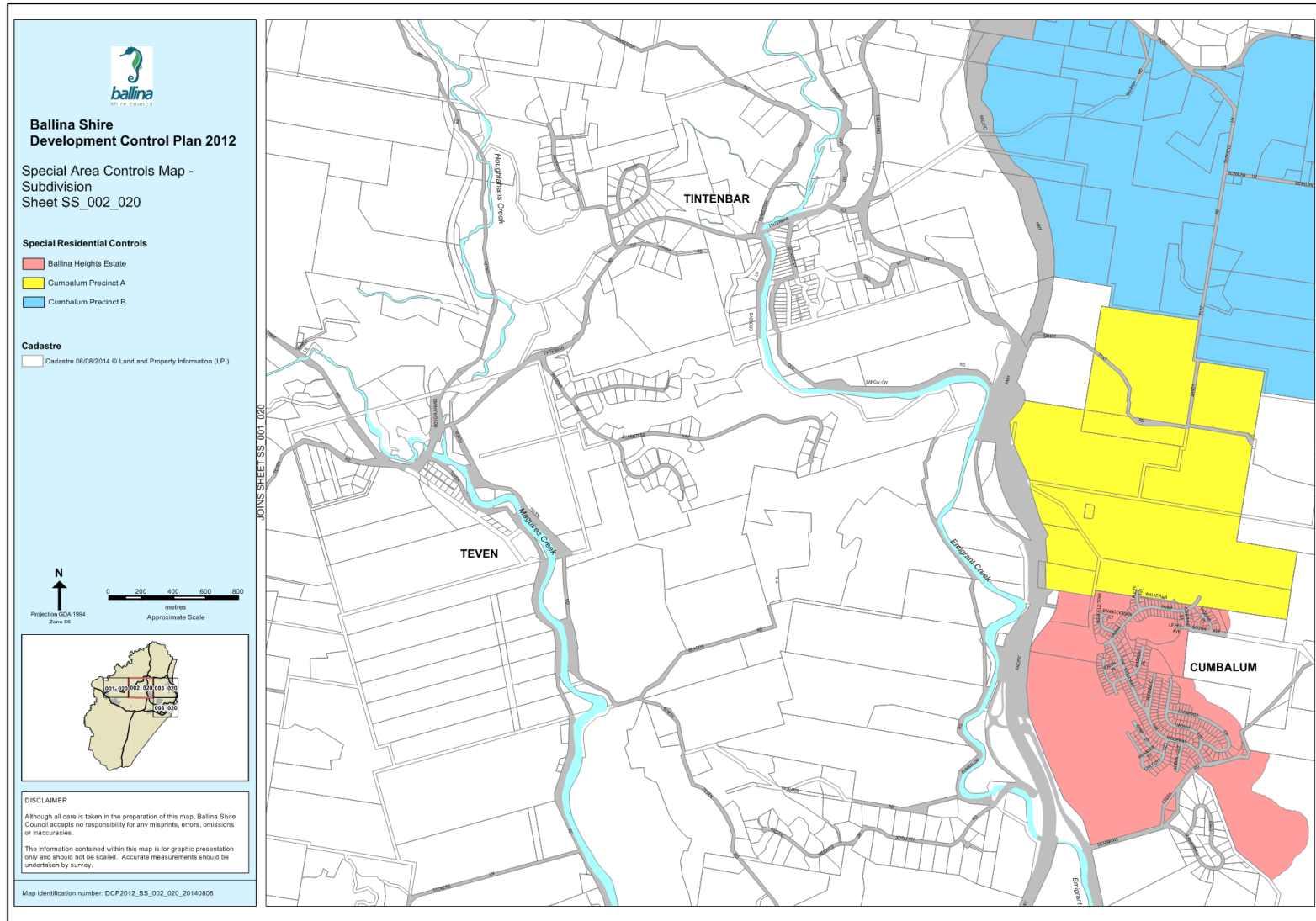
Cumbalum Precinct A, Cumbalum
DEVELOPMENT CONTROL PLAN: CUMBALUM VIEWS 

Appendix B – DCP Amendment No.4 – General Amendments

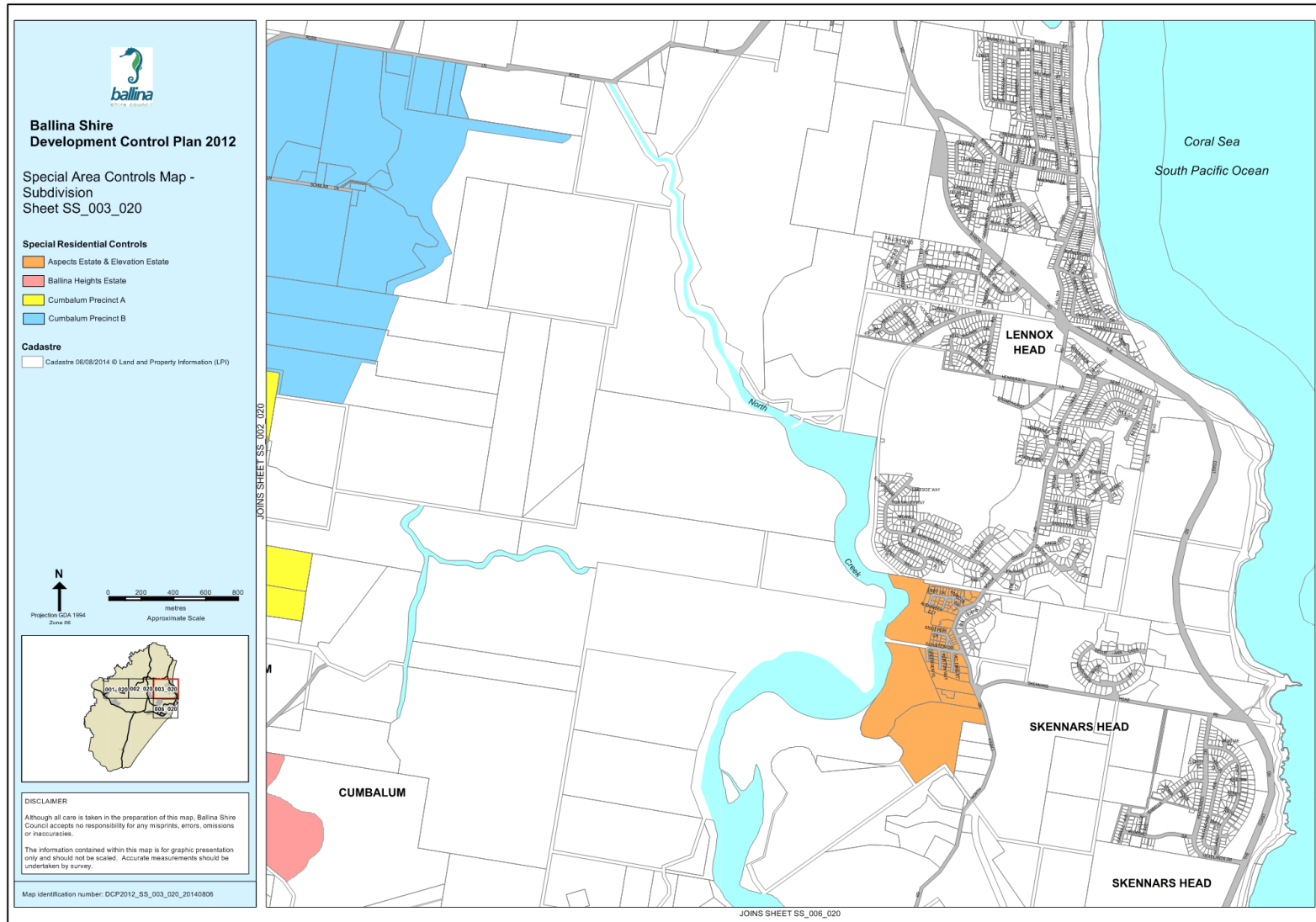
9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



Appendix C – Draft s.94 Developer Contributions Plan

Cumbalum Urban Release Area Precinct A Contributions Plan 2014

Prepared for:
Ballina Shire Council
Date: November 2014
Project No 10235



Cumbalum Urban Release Area Precinct A Contributions Plan 2014

Prepared for



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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Cumbalum Urban Release Area Precinct A Contributions Plan 2014
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Table of Contents

1.0	Summary	1
1.1	Plan overview	1
1.2	Summary of contribution rates	2
1.3	Calculating a monetary contribution under this Plan	3
1.3.1	Residential Accommodation	3
1.3.2	Development other than Residential Accommodation listed in Table 1.1	3
2.0	Administration and operation of this Plan	4
2.1	Name of plan	4
2.2	Definitions	4
2.3	Purposes of plan	5
2.4	Commencement of plan	6
2.5	Land to which this plan applies	6
2.6	Development to which this plan applies	7
2.7	Development exempted from contributions under this plan	7
2.8	Relationship to other contributions plans	7
2.9	Monetary contributions may be required as a condition of consent	7
2.10	Cap on residential monetary contributions	7
2.11	Dedication of land free of cost may be required as a condition of consent	8
2.12	Other contributions to be taken into account	8
2.13	Obligations of Accredited Certifiers	9
2.13.1	Complying Development Certificates	9
2.13.2	Construction Certificates	10
2.14	Indexation of contribution rates	11
2.15	Indexation of contributions required by a condition imposed under this plan	11
2.16	Timing of payment of contributions	12
2.17	Policy on deferred or periodic payments	12
2.18	Reassessment of contributions	13
2.19	Works-in-kind and other material public benefits	13
2.19.1	Matters for Council's consideration	14
2.19.2	Agreements	14
2.19.3	Valuation of offers	14
2.20	Accountability and access to information	15
2.21	Review of plan without the need for public exhibition	15
2.22	Savings and transitional arrangements	15
3.0	Infrastructure demands, works programs and contributions calculations	16
3.1	Council's role in facilitating development and infrastructure	16
3.2	Expected development in CURA-A	17
3.3	Local Infrastructure required to meet the expected development	19
3.3.1	Overview	19
3.3.2	CURA-B infrastructure arrangements	19
3.3.3	Roads nexus and apportionment	19
3.3.4	Open space and recreation nexus and apportionment	21

19 November 2014
10235 Cumalum CP 20141119.docx



9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

Cumalum Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

3.3.5	Community facilities nexus and apportionment	23
3.4	How will the Local Infrastructure included in this plan be delivered?	24
3.5	How were the Local Infrastructure costs derived?	24
3.6	Formulas for determining contribution rates	24

Tables

Table 1.1	Summary of contribution rates for Residential Accommodation development	2
-----------	---	---

Figures

Figure 2.1	Land to which contributions plan applies	6
Figure 3.1	Development Staging Plan	18

Appendices

Appendix A:	Infrastructure schedule and location maps
Appendix B:	Open space and recreation facilities standards

19 November 2014
10235 Cumalum CP 20141119.docx



1.0 Summary

Part 1.0 of the contributions plan presents an overview, a summary of the contribution rates, and notes on how to calculate a contribution.

1.1 Plan overview

The Cumalum Urban Release Area is situated north west of the town of Ballina. That part of the release area known as Precinct A is situated between the Pacific Highway to the west, Cumalum Urban Release Area Precinct B to the north, and Ballina Heights Estate to the south.

At the time this contributions plan was prepared the Cumalum Urban Release Area Precinct A (hereafter referred to as **CURA-A**) had a rural character. CURA-A land has recently been rezoned to allow, with consent, residential development. Ultimately, CURA-A is likely to accommodate about 820 new residential dwellings.

Infrastructure will need to be provided to support the future urban development in CURA-A, including Local Infrastructure that is the traditional responsibility of the local council (i.e. Ballina Shire Council). Local Infrastructure includes roads and intersections, open space and recreation facilities, and community facilities.

In keeping with Ballina Shire Council's practice in 'greenfield' development areas, the cost of the new Local Infrastructure that is required by new development will be met by developers of land making contributions of land, works and money to the Council. These contributions are called Local Infrastructure Contributions, or 'section 94' contributions after the relevant section of the Environmental Planning and Assessment Act that authorises them.

Generally, section 94 contributions can only be required from developers of land if there is a contributions plan in place.

In addition to providing consent authorities with the legal means of requiring contributions from CURA-A developments, this contributions plan:

- Contains schedules and location maps of the Local Infrastructure land and works with a total value (in 2014 dollars) of \$10.7 million.
- Contains a schedule of contribution rates for various classes of developments, and details of how those rates were calculated.
- Includes various policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Provides specific advice on the role of Accredited Certifiers in Local Infrastructure Contributions.
- Covers various other matters related to the fair and transparent administration of Local Infrastructure Contributions.

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Cumbalum Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

1.2 Summary of contribution rates

Table 1.1 Summary of contribution rates for Residential Accommodation development

Local Infrastructure item	Cost to be met by CURA-A development	Contribution per subdivided lot or dwelling house or dual occupancy dwelling
Playing Fields and Courts		
Land acquisition	\$72,000	\$88
Works	\$4,940,411	\$6,025
Sub total	\$5,012,411	\$6,113
District Parks		
Land acquisition	\$715,000	\$872
Works	\$1,760,519	\$2,147
Sub total	\$2,475,519	\$3,019
Community Facilities		
Land acquisition	\$71,500	\$87
Works	\$1,048,800	\$1,279
Sub total	\$1,120,300	\$1,366
Road works		
Land acquisition	\$13,500	\$16
Works	\$1,870,896	\$2,282
Sub total	\$1,884,396	\$2,298
Pacific Highway road works		
Works	\$218,000	\$266
Sub total	\$218,000	\$266
Total	\$10,710,625	\$13,062

The formula for deriving the above contribution rates is shown in clause 3.6 of this plan.

The contribution rates are accurate at the date that this plan commenced. Rates are regularly adjusted for inflation in accordance with the provisions of clause 2.14 of this plan. Applicants should inquire at the Council for information on the latest contribution rates.

The contribution applicable to development other than the types of Residential Accommodation development identified in Table 1.1 will be assessed based on the particular circumstances of the case – refer to clause 1.3.2 of this plan.

19 November 2014
10235 Cumbalum CP 20141119.docx
2



1.3 Calculating a monetary contribution under this plan

1.3.1 Residential Accommodation

The monetary contribution applicable under this contributions plan for any development in CURA-A is calculated by MULTIPLYING the contribution rate by the number of residential allotments or dwellings proposed, LESS the amount attributable to the infrastructure demand generated by any existing or approved development.

For example, an existing allotment that contains an existing dwelling house is proposed to be subdivided into 20 residential allotments that will be each capable of accommodating a single dwelling house.

The monetary contribution for this development under this plan would be calculated as follows:

$$\begin{aligned} & 20 \text{ new allotments X standard contribution rate per lot } (\$13,062) \\ & \text{LESS} \\ & 1 \text{ existing allotment X standard contribution rate per lot } (\$13,062) \\ = & \quad \$261,240 - \$13,062 \\ = & \quad \$248,178 \end{aligned}$$

Note that the above example shows a contribution under this plan only. Other contributions plans adopted by the Council may apply to a development in CURA-A.

In any particular case, the total monetary contribution for any CURA-A residential development calculated under this and other contributions plans administered by the Council shall not exceed \$30,000 per lot or dwelling. Refer to clause 2.10 for particulars.

1.3.2 Development other than Residential Accommodation listed in Table 1.1

This Plan is predicated on the assumption that the demand for Local Infrastructure will be derived from the residential development that is anticipated in CURA-A. At the time this plan was prepared that development was anticipated to be the equivalent of 820 detached dwelling houses.

The relevant environmental planning instrument applying to CURA-A however permits a range of development with consent apart from Residential Accommodation.

There may therefore be developments in CURA-A that would require the provision of or increase the demand for Local Infrastructure, and for which it would be reasonable to levy a Local Infrastructure Contribution under this contributions plan, but the developments are not specifically listed in the contribution rates in Table 1.1 of this Plan.

In these circumstances, the Consent Authority will impose a reasonable monetary section 94 contribution on such development. Council will take into account the equivalent demand for Local Infrastructure generated by the particular development compared to dwelling house Residential Accommodation development.

2.0 Administration and operation of this plan

This Part of the contributions plan describes administration and operational matters associated with the plan, including the area affected by the plan, the types of development to be levied under the plan, the different types of contributions that may be required from development, matters regarding the settlement contributions, etc.

2.1 Name of plan

This contributions plan is called the *Cumalum Urban Release Area Precinct A Contributions Plan 2014*.

2.2 Definitions

In this contributions plan, the following words and phrases have the following meanings:

Accredited Certifier has the same meaning as in the EP&A Act.

Attributable cost means the estimate cost for each item in the works schedules included in this contributions plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

Complying Development has the same meaning as in the EP&A Act.

Complying Development Certificate has the same meaning as in the EP&A Act.

Consent Authority has the same meaning as in the EP&A Act but also includes an Accredited Certifier responsible for issuing a Complying Development Certificate.

Consumer Price Index means the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician.

Council means Ballina Shire Council.

CURA-A means the land known as Cumalum Urban Release Area Precinct A, as shown in Figure 2.1 of this contributions plan.

CURA-B means the land known as Cumalum Urban Release Area Precinct B.

DA means a development application defined in the EP&A Act.

DCP means the *Ballina Shire Combined Development Control Plan; Chapter 3*.

DP&E means the NSW Department of Planning and Environment

Development Consent has the same meaning as in the EP&A Act.

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

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

IDP means the *Cumalum Urban Release Area Infrastructure Delivery Plan*, prepared by GHD and Ballina Shire Council and dated June 2011

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.

Local Infrastructure Contribution is a contribution imposed on a Development Consent by a Consent Authority under section 94 of the EP&A Act.

Minister means the Minister for Planning.

Residential Accommodation has the same meaning as in *Ballina Local Environmental Plan 2012*.

Planning Agreement means a voluntary planning agreement referred to in section 93F of the EP&A Act.

Work-in-kind means the undertaking of a work or part of a work or provision of a facility by any person entitled to act on a Development Consent which is work or facility nominated in the works schedule of a contributions plan.

Works schedule means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in Appendix A of this contributions plan.

2.3 Purposes of plan

The primary purpose of the contributions plan is to authorise:

- the Council, when granting consent to an application to carry out development in CURA-A; or
- an Accredited Certifier, when issuing a Complying Development Certificate for development in CURA-A,

to require a section 94 contribution to be made towards:

- the provision, extension or augmentation of Local Infrastructure where the development is likely to require the provision of or increase the demand for Local Infrastructure; and
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure that benefits the development.

Other purposes of the contributions plan are:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of Local Infrastructure generated by development in CURA-A; and
- to ensure that the existing community is not unreasonably burdened by the provision of Local Infrastructure that is required as a result of CURA-A development; and
- to guide the Council in being publicly and financially accountable in its assessment and administration of the contributions plan; and

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Cumbalum Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

- to ensure Council's management of CURA-A development contributions complies with relevant legislation and practice notes.

2.4 Commencement of plan

This contributions plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

This contributions plan applies to all Development Applications received and applications for Complying Development Certificates made on or after that date. Applications received, made or determined prior to that date will be assessed against the contributions plan or plans in force at the time.

2.5 Land to which this plan applies

This contributions plan applies to the land described as 'Cumbalum Views' shown in Figure 2.1.

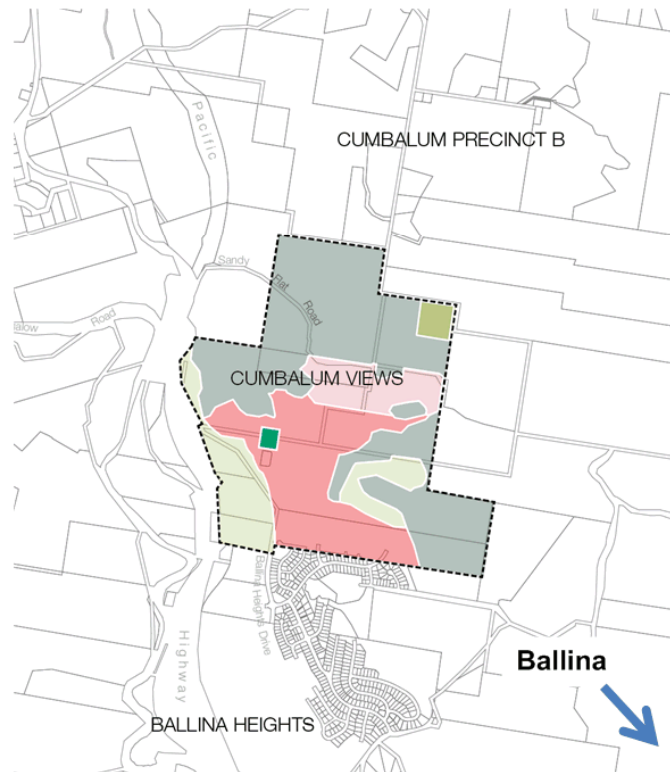


Figure 2.1 Land to which contributions plan applies

19 November 2014
10235 Cumbalum CP 20141119.docx
6



2.6 Development to which this plan applies

Except as provided for by clause 2.7, this contributions plan applies to Residential Accommodation development and any other development that in the Consent Authority's opinion is likely to require the provision of or increase the demand for Local Infrastructure identified in this contributions plan.

2.7 Development exempted from contributions under this plan

The following developments or components of developments are exempted from the requirement to make a contribution under this plan:

- Development for drainage, utility, open space or community facilities purposes to be provided by State Government or the Council.
- Development exempted from contributions by a direction of the Minister pursuant to section 94E of the EP&A Act, current at the time of assessment of the Development Application (The direction will provide the terms of its applicability). Copies of current Directions are available to download from the DP&E website.

2.8 Relationship to other contributions plans

Nothing in this contributions plan affects the operation and application of any other contributions plans that apply to land in the Shire of Ballina.

It should be noted that CURA-A development, in addition to the facilities identified in this contributions plan, will generate a demand for:

- Shire-wide roads facilities. At the time of preparing this contributions plan, contributions for these facilities are addressed by the *Ballina Shire Roads Contributions Plan 2010*.
- Regional recreation facilities. At the time of preparing this contributions plan, contributions for these facilities are addressed by the *Ballina Shire Contributions Plan 2008*.

Clause 2.22 of this contributions plan contains a transitional provision consequent upon the making of this plan.

2.9 Monetary contributions may be required as a condition of consent

This contributions plan authorises Council or an Accredited Certifier, when determining an application for development or an application for a Complying Development Certificate relating to development to which this contributions plan applies, and subject to other provisions of this plan, to impose a condition requiring the payment of a section 94 monetary contribution.

Accredited Certifiers should also refer to clause 2.12 of this contributions plan as to their obligations in assessing and determining applications subject to section 94 contributions authorised by this contributions plan.

2.10 Cap on residential monetary contributions

At the time this contributions plan was prepared the Minister for Planning had issued a Direction to Council capping the section 94 contributions imposed on a DA for residential development in the Cumalum Urban Release Area to \$30,000 per lot or dwelling.

The Direction applies to planning panels and Accredited Certifiers in the same way that it applies to Council.

This contributions plan is consistent with the Minister's Direction in that it authorises section 94 contributions on residential development that are under the cap. However, by virtue of the other contributions plans that apply (refer to clause 2.8), the total combined section 94 contribution authorised by the plans could exceed \$30,000 for an individual development.

In these cases the Consent Authority shall impose on the DA consent a monetary contribution totalling \$30,000 per lot or dwelling.

2.11 Dedication of land free of cost may be required as a condition of consent

This contributions plan authorises the Consent Authority, other than an Accredited Certifier, when granting consent to an application to carry out development to which this contributions plan applies, to impose a condition under section 94(1) of the EP&A Act requiring the dedication of land free of cost to Council.

Wherever land required under this contributions plan for Local Infrastructure is situated within a development site, the Consent Authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be taken into account in determining the total development contributions required by the development under this plan. The value of the land to be dedicated free of cost will be the market value of the land determined in accordance with the *Land Acquisition (Just Terms) Compensation Act 1991*.

2.12 Other contributions to be taken into account

The purpose of this clause is to describe Council's policy in implementing section 94(6) of the EP&A Act.

Council, in proposing to impose a requirement for a contribution under this plan, will take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the Consent Authority, other than:

- a benefit provided as a condition of the grant of development consent under the EP&A Act, or
- a benefit excluded from consideration by a Planning Agreement.

In order for Council to consider the previous benefits made by the applicant, details must be submitted at the time of the Development Application.

A reduction in the contribution requirement under this plan may be considered where it can be demonstrated by the applicant that:

- the benefit was not required to be provided under a condition of consent or under a Planning Agreement entered into with Council; and
- the consequent reduction in contribution would not adversely affect the plan's cash flow or prejudice the continued implementation of the works schedule included in this plan; and

- the land, money or other material public benefit previously provided either continues to provide an ongoing benefit to the community, or offsets some of the need for Local Infrastructure identified in this plan.

2.13 Obligations of Accredited Certifiers

2.13.1 Complying Development Certificates

This contributions plan requires that, in relation to an application made to an Accredited Certifier for a Complying Development Certificate:

- the accredited certifier must, if a Complying Development Certificate is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan;
- the amount of the monetary contribution that the Accredited Certifier must so impose is the amount determined in accordance with this clause; and
- the terms of the condition be in accordance with this clause.

Procedure for determining the amount of the section 94 monetary contribution

1. If, and only if specified in writing in the application for a Complying Development Certificate, the applicant has requested a credit under section 94(6) of the EP&A Act or an exemption for part or the whole of the development under clause 2.7 of this contributions plan, the Accredited Certifier must:
 - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the Complying Development Certificate, refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with this plan taking into account any exempt development specified in clause 2.8 and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with clause 2.14 to reflect the indexed cost of the provision of infrastructure.
4. Subtract any credit advised by the Council under paragraph 1(b).

Terms of a section 94 condition

The terms of the condition required by this clause are as follows:

Contribution

The developer must make a monetary contribution to Ballina Shire Council in the amount of \$ [insert amount] for the purposes of the Cumalun Urban Release Area Precinct A Contributions Plan 2014.

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

9.1 Cumalun Precinct A - DCP and Contributions Plan.DOC

Cumalun Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

Where:

$\$C_C$ is the contribution amount shown in this certificate expressed in dollars.

CPI_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution.

CPI_C is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate.

Note: The contribution payable will not be less than the contribution specified in this certificate.

Time for payment

The contribution must be paid prior to any work authorised by this Complying Development Certificate commences, as required by clause 136L of the Environmental Planning and Assessment Regulation 2000.

Deferred payments of contributions will not be accepted.

Works in kind agreement

This condition does not need to be complied with to the extent specified in a works in kind agreement between the developer and the Council as allowed by Cumalun Urban Release Area Precinct A Contributions Plan 2014.

2.13.2 Construction Certificates

It is the responsibility of an Accredited Certifier issuing a Construction Certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the Complying Development Certificate.

The Accredited Certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the consent authority. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

19 November 2014
10235 Cumalun CP 20141119.docx
10



2.14 Indexation of contribution rates

The purpose of this clause is to ensure that the monetary contribution rates imposed at the time of development consent are adjusted to reflect the indexed cost of the provision of infrastructure included in this plan.

In accordance with clause 32(3)(b) of the EP&A Regulation, Council may, without the necessity of preparing a new or amending contributions plan, make changes to the section 94 contribution rates set out in this plan to reflect quarterly or annual variations to the *Consumer Price Index (All Groups Index) for Sydney* as provided by the Australian Bureau of Statistics.

The contribution rates will be indexed as follows:

$$\frac{\$C_A \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

\$C_A is the contribution rate for works schedule items at the time of adoption of the plan expressed in dollars;

Current CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of the review of the contribution rate; and

Base CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the date of adoption of this plan.

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

2.15 Indexation of contributions required by a condition imposed under this plan

The purpose of this clause is to ensure that the monetary contributions imposed on developments at the time of consent are adjusted at the time of payment to reflect the indexed cost of the provision of infrastructure included in this plan.

A contribution required by a condition of Development Consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is made as follows.

The total contribution for all works schedule items at the time of payment is determined by the following formula:

$$\frac{\$C_C \times \text{CPI}_P}{\text{CPI}_C}$$

Where:

\$C_C is the contribution amount shown in this certificate expressed in dollars;

CPI_P is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of the payment of the contribution; and

19 November 2014
10235 Cumalum CP 20141119.docx
11



CPI_c is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician which applied at the time of the issue of the Development Consent.

Note: The contribution payable will not be less than the contribution specified in this certificate.

2.16 Timing of payment of contributions

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution.

Council's requirements in relation to the timing of payments of monetary contributions required under this contributions plan are as follows:

- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan), strata plan or a strata plan of subdivision within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*;
- For development not involving subdivision, but where a Construction Certificate is required, the contribution must be paid prior to the release of the Construction Certificate; and
- For other development, the contribution must be paid prior to the commencement of the use or occupation of premises.

Regardless of the above, for contributions in respect to any works authorised under a Complying Development Certificate, the contributions must be paid prior to any work authorised by that certificate commences, as required by clause 136L of the EP&A Regulation.

2.17 Policy on deferred or periodic payments

The Council will generally not accept deferred or periodic payment of contributions. However, Council may consider an application under section 96 of the EP&A Act to modify the condition to provide for the deferred or periodic payment of the contribution where:

- compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case;
- deferred or periodic payment will not prejudice the timing or the manner of the provision of the services or facilities for which the contribution is required as outlined in the works program;
- 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; and
- there are circumstances justifying the deferred or periodic payment of the contribution.

The decision to accept a deferred or periodic payment is at the sole discretion of the Council.

In the event Council decides to accept the deferred or periodic payment of contributions, the applicant may be required to provide a bank guarantee by an Australian bank or recognised financial institution for the full amount of the contribution or outstanding balance on condition that:

- the bank's guarantee 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 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 works;
- 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 banks 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; and
- 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 in accordance to the 90 day bank bill rate.

2.18 Reassessment of contributions

Council may consider an application for the reassessment of a section 94 contribution imposed under this contributions plan. This may result in the contribution being reduced or waived or modified.

Where a condition of Development Consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent in accordance with section 82A of the EP&A Act.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

The instances in which Council may consider a reassessment may include the following:

- The applicant is a registered charity, church, hospital or community organisation;
- The development satisfies a broader planning objective and the achievement of which is considered by Council to be of greater importance or priority than making a contribution;
- Where it is considered that the contribution is unreasonable; or
- The application involves the development of a heritage item.

This plan expressly authorises the Council to reassess and modify a section 94 contribution so that it is reasonable in the particular circumstances of the case.

2.19 Works-in-kind and other material public benefits

This clause applies to development, or proposed development, on land subject to a section 94 contribution under this plan. A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in lieu of making a section 94 contribution in accordance with a condition imposed under this plan, in the terms described below.

The Council may accept an offer by the applicant to make a contribution by way of works-in-kind (defined as an item in the works schedule to this plan), or another type of material public benefit (defined as anything that is not included in the works schedule to this plan), or the dedication of land as referred to in the EP&A Regulation.

The decision will be at the discretion of Council.

2.19.1 Matters for Council's consideration

Factors that Council will take into consideration in making its decision will include the following:

- The value of the works and/or dedication of land is at least equal to the value of the contribution that would otherwise be required under this plan.
- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction.
- Whether the acceptance of the works and/or dedication of land will prejudice the timing or the manner of the provision of public facilities included in the works program of this plan.
- The extent to which works and/or dedication of land satisfies a demonstrated community need.
- The extent to which the works and/or dedication of land satisfies the purpose for which the contribution was sought.
- The conditions applying to the transfer of the asset to the Council are to Council's satisfaction.
- The financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need to make up for any shortfall in contributions by its acceptance of the offer).
- The overall benefit of the proposal.

2.19.2 Agreements

Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development.

Works-in-kind and material public benefit agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the value of those works, the relationship between those works and this plan, the program for delivering the works.

Where an offer is made prior to the issue of Development Consent, the offer may be in the form of a Planning Agreement. If the offer is made by way of a draft Planning Agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent. Planning Agreements shall address the matters included in the EP&A Act and EP&A Regulation.

2.19.3 Valuation of offers

The value of works offered as works in kind is the Attributable Cost of the works (or a proportion of the Attributable Cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan.

The Attributable Cost of works will be used in the calculation of the value of any offset of monetary contributions required under this plan.

The value of any other kind of material public benefit will be determined by a process agreed to between the Council and the person making the offer at the time the Development Application is being prepared.

Credit for material public benefits will not be given over and above the relevant contributions liabilities for any development.

2.20 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to community infrastructure contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

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

The register is available for inspection by any person at Council's offices free of charge at any time during normal office hours.

2.21 Review of plan without the need for public exhibition

This plan with supporting information will be subject to regular review by Council, so as to:

- monitor development trends and income received by the plan.
- ensure that contributions rates reflect actual costs incurred by the plan.
- enable alteration to the works schedule if development rates differ from original expectations.

Pursuant to clause 32(3) of the EP&A Regulation, Council may make certain minor adjustments or amendments to the plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections, amendments to rates resulting from changes in the published indexes adopted by this plan (see clause 2.14).

2.22 Savings and transitional arrangements

A Development Application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the contributions plan or plans which applied at the date of submission of the application.

3.0 Infrastructure demands, works programs and contributions calculations

This Part of the contributions plan describes:

- The expected future development in CURA-A that will generate a demand for the Local Infrastructure included in this plan.
- The works program Council proposes to deliver to meet some, but not all, of the Local Infrastructure demands, including location, costs and staging details.
- The formulas for calculating reasonable monetary contributions that are authorised by this plan to be imposed on CURA-A developments.

3.1 Council's role in facilitating development and infrastructure

Council has an obligation to ensure that development, and the infrastructure that supports that development, occurs in a logical and integrated manner.

As part of its charter the Council is required 'to provide directly or on behalf of other levels of government, after due consultation, **adequate, equitable and appropriate services and facilities** for the community and to ensure that those services and facilities are managed efficiently and effectively' (section 8, Local Government Act 1993).

The objects of the EP&A Act (section 5) include the following:

- To encourage the promotion and co-ordination of the **orderly and economic use and development of land**
- To encourage the **provision of land for public purposes**
- To encourage the **provision and co-ordination of community services and facilities**

Council's obligations are executed through the land zoning and development application processes. Arrangements for the provision of infrastructure that is required to support a new development are dealt with through the Consent Authority (usually the local council) imposing conditions of Development Consent on the subdivision of land.

For example, Development Consents for land subdivisions include conditions requiring the developer to construct access roads and drains to the Council's standard designs and specifications and hand them over to Council after an appropriate defects liability period.

Another example is developments that generate demands for open space and recreation facilities may be required by a condition of Development Consent to make a contribution of money or the dedication of land for these purposes.

3.2 The delivery approach for CURA-A infrastructure

The CURA-A development will require a range of infrastructure, including Local Infrastructure. Council's preferred approach is that infrastructure internal to the development should, in general, be provided in association with future development, rather than being incorporated into Council's infrastructure planning and budgeting programs.

Most infrastructure to serve the CURA-A development will be delivered directly by the developer through Development Consent conditions imposed on individual developments. Infrastructure

such as water and sewer headworks and reticulation, local roads and collector roads, street lighting, energy and telecommunications networks, drainage schemes, footpaths and bus shelters will be provided in this way.

There is some Local Infrastructure in CURA-A the demand for which is shared across all of the expected developments in CURA-A. This includes certain road and traffic works, a district park, a major recreation facility and a community facility listed in this contributions plan. It would be unreasonable for the Consent Authority to require a single developer to provide these items.

The Local Infrastructure included in this plan will be delivered by the Council using contributions of land or money, or both, from the individual developments in CURA-A. Alternatively, developers of land in CURA-A may enter into agreements to deliver particular infrastructure items on the Council's behalf.

This contributions plan is concerned with the latter mode of delivering Local Infrastructure in the CURA-A development – i.e. section 94 contributions under the EP&A Act.

The remainder of this part of the contributions plan describes this Local Infrastructure and its relationship to the expected CURA-A development.

3.3 Expected development in CURA-A

The Cumalum Urban Release Area is located approximately 7.5 kilometres northwest of Ballina and 5.5 kilometres west of Lennox Head.

The CURA-A development area has an area of approximately 228 hectares.¹

This contributions plan has been prepared at the same time as the CURA-A land was rezoned to permit its development for mainly low to medium density residential purposes. However, only about a third of the area is developable for these purposes. Parts of the CURA-A not suited to urban development are zoned for either rural or environmental protection zones reflective of the various environmental attributes applicable to those areas.²

CURA-A's urban zoned land may be developed for residential allotments with a minimum size of 450 square metres.

It is estimated that the CURA-A development area will ultimately accommodate 820 residential dwellings on 77 developable hectares of land, potentially in three stages. It is possible that the estimated dwelling yield will change over time. In this case, Council will update this plan and its contribution rates to reflect the changed assumption.

Details of the estimated dwelling yield in CURA-A by stage are shown in Table 3.1.

A map showing the key features of the expected development in CURA-A and its staging is shown as Figure 3.1.

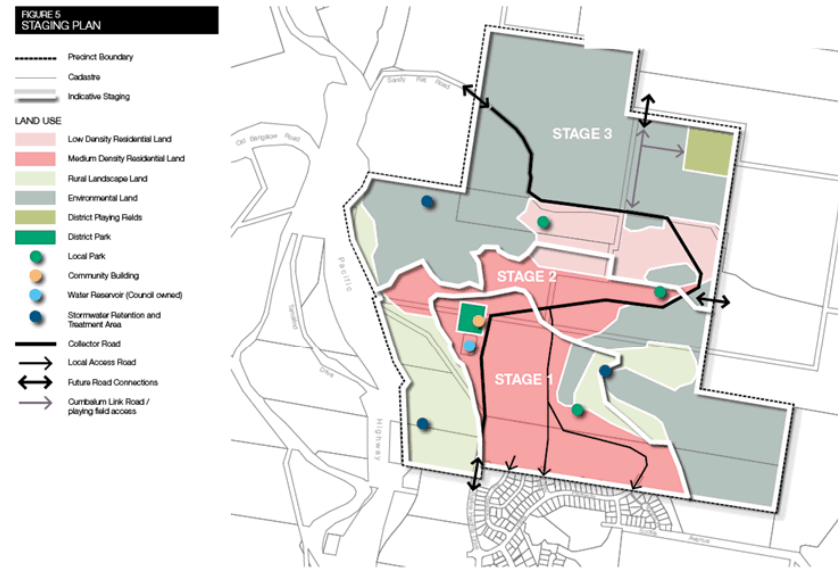
¹ Ballina Shire Council (2011), *Cumalum Urban Release Area Infrastructure Delivery Plan*, page 3

² Ballina Shire Council (2013), *Cumalum Ridge – Precinct A Planning Proposal – October 2013 (formerly Amendment 105 to Ballina LEP 1987)*, page 7

Table 3.1 CURA-A expected development

Stage	Expected dwellings	Percentage yield	Net developable area (ha)	Net residential density (dw/ha)
1	455	55	40.3	11-12
2	245	27	20.53	11-12
3	120	18	15.95	7-8
TOTAL	820	100	76.78	10-11

Source: Ballina Shire Council



Note: Locations of proposed parks and roads are indicative
Source: Ballina Shire Council

Figure 3.1 Development Staging Plan

The estimated resident population of CURA-A at full development is 2,214 persons, based on an assumed dwelling occupancy rate of 2.7 persons per dwelling.³

The CURA-A development will likely proceed in a south to north direction from the Ballina Heights Estate (i.e. Stage 1 to Stage 3), reflecting the likely cost-efficiencies to be achieved by augmenting the existing water and sewer carriers and extending the existing access roads in Ballina Heights to the south.

It is expected that CURA-A development will occur prior to, or concurrently with, CURA-B development to the north.

³ Ibid. p4

3.4 Local Infrastructure required to meet the expected development

3.4.1 Overview

Council in 2011 prepared the Cumalum Urban Release Area Infrastructure Delivery Plan (or IDP).⁴ The IDP addresses the infrastructure requirements, commitments and expectations that relate to future development of the entire Cumalum Urban Release Area which includes CURA-A, CURA-B, Ballina Heights Estate and Summerhill Crescent development areas.

This plan seeks to implement components of the IDP – i.e. the Local Infrastructure needed to serve CURA-A development and that it is unreasonable for a single developer to be required to provide.

The schedule of land and works to meet the expected development in CURA-A, including their estimated costs and staging, is included as Appendix A. Maps showing the indicative location of the proposed Local Infrastructure are also included in Appendix A.

The IDP considered a proposal to upgrade Sandy Flat Road to provide a relief route for CURA-A and CURA-B traffic accessing the Pacific Highway. Council has decided that the access route from CURA-A to the playing fields is a higher priority project worthy of inclusion in this contributions plan.

3.4.2 CURA-B infrastructure arrangements

Development in CURA-B will meet its Local Infrastructure demands through development contributions included in a Planning Agreement that has been entered into between the Council and the CURA-B land owners.

Items to be delivered through the CURA-B agreement, and relevant to the infrastructure required in connection with the CURA-A development, include:

- Southern playing fields
- North-South link road (immediately north of the proposed CURA-A playing fields)
- Ross Lane / Pacific Highway intersection upgrade

This plan includes land and works that complement these CURA-B facilities.

3.4.3 Roads nexus and apportionment

This plan authorises contributions to be imposed on development for the provision of the following road works:

- CURA-A playing fields access roads located north of Sandy Flat Road (which is also an extension of the CURA-B North-South link road)
- Upgrade of the Ross Lane / Pacific Highway intersection

CURA-A development will also generate demand for Shire-wide roads facilities. Contributions for these facilities are addressed by a separate contributions plan (i.e. *Ballina Shire Roads Contributions Plan 2010*).

⁴ Ballina Shire Council (2011), *Cumalum Urban Release Area Infrastructure Delivery Plan*

(a) Playing fields access roads

The proposed new roads comprise land and works for a road to connect the CURA-A development areas with the playing fields located in the north of the site.

The roads have been included for the following reasons:

- The roads would be beyond the responsibility of a single developer.
- The roads are required to enable residents of the development to access the shared recreation facilities that are required by those same residents.

The IDP determined that the proposed roads will be of collector or sub-arterial standard and have a carriageway width of 11 metres.

The proposed road is on land that is not in Council's ownership. Consequently this contributions plan includes provision for the acquisition of the land required for the road.

All CURA-A land developers will be accountable for all of the land and works costs of the proposed roads.

In preparing this contributions plan, Council considered having the entire north-south road link to the northern termination of Ballina Heights Drive delivered via section 94 contributions. In an effort to contain contributions and therefore development costs, and to provide the critical piece of road to connect residents to the playing fields, only the northern part of the link has been included in this plan. The remaining part of the link will be provided by developers of land through conditions of consent.

All other roads in the CURA-A development will be provided by developers as part of the residential subdivision of the land (i.e. through conditions of consent).

(b) Ross Lane / Pacific Highway intersection

The contributions plan also authorises contributions to be imposed on development for the following works identified in the IDP:

- Ross Lane Interchange east and west roundabouts – additional lane
- Ross Lane Interchange overpass bridge - duplication⁵

The contribution rate reflects the results of a traffic model that has estimated the future level of traffic that will pass through the intersection and which will be generated by CURA-A development. Consistent with the model results, CURA-A development will be accountable for 2% of the traffic, and will therefore make an apportioned contribution of 2% of the total cost of works.

As part of the preparation of the CURA-A planning proposal, Roads and Maritime Services advised that 'the designs of future works at the Ross Lane and Cumbalum interchanges do not include the duplication of the lanes or roundabouts, and that these upgrade works will be required at appropriate staging in association with any future development.'⁶

⁵ Ballina Shire Council (2011), *Cumbalum Urban Release Area Infrastructure Delivery Plan*, p19

⁶ Ballina Shire Council (2013), *op cit*, page 14

3.4.4 Open space and recreation nexus and apportionment

This plan authorises contributions to be imposed on development in the CURA-A for the provision of open space land and works, that is:

- Land and works required for a playing fields facility
- Dedication / acquisition of land for a district park
- Embellishment of the district park

Appendix I of the IDP identifies the standards upon which the proposed provision of CURA-A open space and recreation facilities are based. The standards are reproduced in Appendix A of this plan.

CURA-A development will also generate demand for regional recreation facilities. Contributions for these facilities are addressed under a separate contributions plan (i.e. *Ballina Shire Contributions Plan 2008*).

(a) Playing fields and courts

The IDP concluded that both the CURA-A and CURA-B development would require the provision of an outdoor recreation facility comprising 'playing fields, outdoor courts and amenities for Precinct A and B adjacent to each other to the north of Sandy Flat floodway on the northern end of Lot 150 DP755684 (Barlow's property – Precinct A) and Lot 19 DP873873 (Lynn's property – Precinct B) respectively.'⁷

The CURA-A playing fields will be sited in a location adjacent to the proposed CURA-B playing fields and courts. Individual recreation components will be planned in an integrated facility on a site that will straddle both precincts.

The IDP recommends that the combined CURA-A / CURA-B active recreation facility comprise the following:

- A total facility land area of about 15 hectares
- District playing fields
- 6 tennis courts in a cluster
- 6 netball courts in a cluster
- Amenities buildings for the playing fields and the courts facilities
- Skate park
- Community garden
- Community hall
- Pre School / extended day care

Contributions from CURA-B development are addressed by the CURA-B planning agreement, and will be applied toward infrastructure provided within the CURA-B development area.

Council has identified that the CURA-A development will be responsible for the following components of the joint precinct facility:

⁷ Ibid. p40

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Cumbalum Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

- Acquisition of a site for the playing fields (4 hectares)
- Site preparation including clearing and fill
- Playing fields generated by CURA-A development based on the provision standards in Appendix A (i.e. 2.65 fields)
- Outdoor courts generated by CURA-A development based on the provision standards in Appendix A (i.e. 2.65 courts)
- Car parking spaces based on the provision standards in Appendix A
- Cost of floodlighting of the fields and courts
- Amenities block (300 square metres)
- Access road to the facility

CURA-A development will meet the cost of the above facilities in a combined CURA-A / CURA-B sporting facility.

Access from the CURA-A development to the proposed CURA-A playing fields / courts will be via a new road leading to Sandy Flat Road. This new road will also link to the proposed North-South link road being provided under the CURA-B planning agreement.

The proposed playing fields / courts are proposed to be provided by the time that around 600 dwellings in CURA-A are created.

(b) Local and district parks

The IDP requires 'local parks' to be provided at the rate of 0.33 hectares per 1,000 residents, each with a minimum size of 2,000 square metres containing a range of embellishments. This plan does not include provision for local parks. It is proposed that local parks will be provided by CURA-A developers as part of their subdivision approvals.

District parks land and works are addressed by this contributions plan. The IDP requires 'district parks' to be provided at the rate of 0.5 hectares per 1,000 residents, each with a minimum size of 1 hectare containing a range of embellishments.

These requirements have been adapted to the particular opportunities and constraints of the CURA-A development, such that CURA-A will require 1 district park with an area of at least 1 hectare.

The district park minimum area is exclusive of any area containing native or bushland vegetation. Land containing bushland and native vegetation may also be dedicated to Council by agreement, in accordance with the requirements of the DCP.

The general location of district park in CURA-A has been identified in the DCP. The district park is proposed to be provided by the time that around 500 dwellings in CURA-A are created.

Subdivision developments in the CURA-A will provide local parks, district parks and other open space in accordance with the minimum standards set out in the DCP. Land proposed to be dedicated to Council as open space or any other public purpose must be identified in the plans for the subdivision of the land submitted with the subdivision DA.

The process for provision of local and district open space by subdividers of land in the CURA-A will be as follows:

19 November 2014
10235 Cumbalum CP 20141119.docx
22



- Open space lands shall generally be provided in the locations for open space shown in the DCP.
- The developer will discuss any proposal for dedication of local and district open space with Council staff prior to the lodgement of DA plans.
- The DA subdivision plans will note the location of the proposed open space land to be dedicated free of cost.
- Should Council be satisfied that the proposed open space land meets its standards and should the DA be approved, conditions of consent will be attached to the approval requiring the open space land to be embellished to Council's standards, and be dedicated free of cost to Council following completion of a suitable maintenance period.
- The monetary section 94 contributions imposed on the DA approval for the subdivision will be adjusted to take account of the value of the open space included in this plan that is dedicated and / or embellished by the developer.

3.4.5 Community facilities nexus and apportionment

This contributions plan authorises contributions to be imposed on development in the CURA-A for the provision of land and works for a community hall.

The size of the proposed facility is based on the provision standards contained in the IDP – i.e. 105 square metres of gross floor area per 1,000 population with a minimum size of 250 square metres.

The CURA-A community hall will be located on a 1,000m² site in the development, adjacent to proposed district park.

Consistent with the IDP, the facility will have the following attributes:

- 250 square metres gross floor area, with an auditorium size of approximately 170 square metres
- A meeting hall, which is able to be divided into two separate spaces, suitable for activities of local
- At least 2 offices for groups or visiting services
- A capability for use for vacation and after-school care (including play areas) □
- Kitchen, storage and amenities
- Access for the disabled

A parking area for 15 vehicles will be provided with the facility.

The community hall is proposed to be provided by the time that around 450 dwellings in CURA-A are created.

CURA-A development will also generate demand for Shire-wide community facilities. Contributions for these facilities are addressed by a separate contributions plan (i.e. *Ballina Shire Contributions Plan 2008*).

3.5 How will the Local Infrastructure included in this plan be delivered?

Council and Accredited Certifiers will require section 94 contributions for development proposed to be carried out on land affected by this plan that will or is likely to require the provision of or increase the demand for Local Infrastructure identified in Council's contributions plans.

The contributions will generally be in the form of monetary contributions, although where the Consent Authority is the Council or a planning panel, contributions of land may be required instead of or in addition to monetary contributions.

Developers may choose to provide, subject to the agreement of the Council, Local Infrastructure identified in this plan as works-in-kind or provide another type of material public benefit as means of satisfying a section 94 contribution requirement. If the contribution is proposed to be satisfied in this manner, the developer must comply with the other relevant provisions of this plan, particularly clause 2.19.

The works schedules included in this plan are based on strategic information. Locations of Local Infrastructure shown in Appendix A are indicative. It is likely that, as the planning and development of the CURA-A proceeds, modified and more cost-effective infrastructure solutions that still meet the CURA-A planning objectives will be developed. These solutions may be implemented by developers negotiating to undertake the work through a planning agreement, a material public benefit agreement, or through Council amending this plan to include details of the modified works.

3.6 How were the Local Infrastructure costs derived?

The costs of Local Infrastructure works proposed to be delivered under this plan have been estimated using:

- Costs published in *Local Infrastructure Benchmark Costs* published by the Independent Pricing and Regulatory Tribunal (IPART) in April 2014.
- Costs provided by Council officers (for example, fill estimates for the playing fields).
- Costs provided by GHD consultants for the Ross Lane interchange works.

The costs of the land required for Local Infrastructure have been estimated by a registered valuer appointed by the Council.

At the time this plan was made, the position of the Australian Taxation Office was that the payment of development contributions made under the EP&A Act is exempt from the Goods and Services Tax (GST). As a result, items in the works schedule of this plan have been calculated without any GST component.

3.7 Formulas for determining contribution rates

The Local Infrastructure Contribution rate is calculated by dividing the cost of providing the facilities by the total number of units of demand generating the need for the infrastructure.

The standard unit of demand used for calculating contributions in CURA-A is residential lots.

The contribution rate is calculated using the following formula:

9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

Cumalum Urban Release Area Precinct A Contributions Plan 2014
Ballina Shire Council

Contribution per additional residential lot or dwelling (\$) =	\$Land + \$Works
	D

Where:

- \$Land = the estimated costs of the acquisition of land required for Local Infrastructure included in this plan.
- \$Works = the estimated costs of the Local Infrastructure works required by CURA-A development and included in this plan.
- D = the total expected demand for the Local Infrastructure included in this plan, expressed in residential lots / dwellings (i.e. 820).

19 November 2014
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APPENDIX A



Cumalum Urban Release Area Precinct A
Section 94 Contributions Plan
Infrastructure Schedule

Ref	Local Infrastructure item	Source	Rate	Unit	Required	Total (\$)
Playing Fields and Courts						
LA1	Land acquisition for playing field land	Opteon		item		\$72,000
PF	Playing fields and courts construction:					
	Construction -Fill	Council		m3	35	\$200,000
	Construction - including turfing marking and posts	IPART	\$58	m2	25000	\$1,450,000
	Construction of 100m access road	IPART	\$2,231	lin m	100	\$223,100
	Floodlighting -sports fields	IPART	\$149,425	field	2.65	\$395,976
	Floodlighting -tennis / netball courts	IPART	\$62,550	court	2.65	\$165,758
	Construction -netball / tennis courts	IPART	\$112,500	court	2.65	\$298,125
	Car Parking	IPART	\$6,300	space	100	\$630,000
	Amenities	IPART	\$2,196	m2	300	\$658,800
	Site clearing	IPART	\$3.81	m2	25000	\$95,250
	Sub Total					\$4,189,009
	Contingency - on construction	IPART	20%			\$823,402
	Total					\$5,012,411
District Parks						
LA2	Land acquisition for district park (west)	Opteon	\$71.50		10000	\$715,000
DP	Embellishment of the district park:					
	2.5m wide shared cycleway/pedestrian footpath	IPART	\$669	m	100	\$66,900
	Site clearance - clearance of vegetation	IPART	\$3.81	m2	10000	\$38,100
	Soft surfaces - turfing	IPART	\$82	m2	9000	\$738,000
	Softfall	IPART	\$246	m2	525	\$129,150
	Play equipment	PC sum	\$20,000	each	3	\$60,000
	Play equipment installation - installation of playground equipment with a PC Sum value of up to \$20,000	IPART	\$7,729	each	3	\$23,187
	Park furniture - seating - Aluminium frame; aluminium slats; back support	IPART	\$3,844	each	6	\$23,064
	Park furniture - picnic sets - Fixed table; aluminium slats; no back support	IPART	\$4,969	each	4	\$19,876
	Park furniture - bins - Steel bin enclosure; single	IPART	\$3,712	each	4	\$14,848
	Park furniture - BBQs - Double plate; covered	IPART	\$15,705	each	2	\$31,410
	Park furniture - drinking fountains - Single unit	IPART	\$7,136	each	2	\$14,272
	Park furniture - taps	IPART	\$3,582	each	6	\$21,492
	Shade structures	IPART	\$224	m2	300	\$67,200
	Amenity block - < 50m2	IPART	\$2,196	m2	100	\$219,600
	Sub Total					\$2,182,099
	Contingency - on construction	IPART	20%			\$293,420
	Total					\$2,475,519

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Ref	Local Infrastructure item	Source	Rate	Unit	Required	Total (\$)
Community Facilities						
LA3	Land acquisition	Opteon		item		\$71,500
CC	Construction of community centre:					
	Building	IPART	\$3,270	m2	250	\$817,500
	Car Parking	IPART	\$6,300	space	15	\$94,500
	Sub Total					\$983,500
	Contingency -on construction	IPART		15%		\$136,800
	Total					\$1,120,300
Road works						
LA4	Land acquisition for playing fields access road north of Sandy Flat Road	Opteon		item		\$13,500
R1	Construction of playing fields access road north of Sandy Flat Road	IPART	\$3,631	lin m	400	\$1,452,400
R2	Box Culverts	IPART	\$1,778	each	60	\$106,680
	Sub Total					\$1,572,580
	Contingency - on construction	IPART		20%		\$311,816
	Total					\$1,884,396
Pacific Highway road works						
		Source	Estimated total costs	Precinct A Apportionment		
				%	Cost	
PH	Ross Lane Interchange -Roundabouts	Council	\$3,100,000	2%	\$62,000	
PH	Ross Lane Interchange - Overbridge	Council	\$7,800,000	2%	\$156,000	
	Total					\$218,000
	Total for all local infrastructure attributable to Precinct A development					\$10,710,625

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



CURA-A LOCAL INFRASTRUCTURE LOCATION MAP

APPENDIX B



9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

Space Type	Quantity	Location/Distribution	Size	Facilities	Quantum of Provision	Other Attributes
Local Park	Sufficient to meet location and size criteria. 0.33 ha/1000 persons	Within 500 metres of all residents and safe access without major road crossings.	Min size of 2,000m2, exclusive of any drainage/stormwater management reserves and serves up to 800 people	<ul style="list-style-type: none"> • Seating • Play equipment • Pathway • Shade trees or structures • Litter bins • Safety fencing as appropriate 	1.5 playground equipment sets with shade structure & safe fall area per 1000 persons.	<ul style="list-style-type: none"> • Access via more than one street; • Integrate with Local shopping and community facilities; • Integrate with cycle and footpaths; • Parks will be sited to take advantage of natural features such as foreshore areas or where there is significant vegetation when applicable; • Link with wildlife corridors and flora and fauna protection areas to provide transition between natural and residential development; and • At least 2,000m2 should be level to gently sloping land • Play equipment and soft fall to meet relevant Australian Standards
District Park¹	Sufficient to meet location and size criteria. May form part of the 0.5ha/1,000 persons	Preferably within 5 kms of all residents	<ul style="list-style-type: none"> • Large enough to accommodate a large range of informal opportunities (while possibly protecting and enhancing significant natural features, visual qualities, heritage items) • Should be large enough to support large numbers of people in social groups • Min size of 1.0 ha – with 3 or more hectares preferred. 	<ul style="list-style-type: none"> • Seating • Play equipment • Pathway • Shade trees or structures • Litter bins • Safety fencing as appropriate • Sealed parking • Toilets and amenities • BBQ facilities 		<ul style="list-style-type: none"> • Integrate, where possible with other community foci-shops, community centres, outdoor sports facilities; • Located such that traffic causes minimal disruption to residential areas; and • May be highly modified/developed or incorporate significant natural features. • Access to public transport. • Play equipment and soft fall to meet relevant Australian Standards

9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

Sporting Fields¹	Approximately 1.7 ha per 1,000 people.	Located in close proximity to schools.	Minimum of 4 hectares to allow grouping of sports fields to maximise land efficiency and reduce embellishment costs through economies of scale (shared use of amenities, parking, etc)	<ul style="list-style-type: none"> • Club house • Amenities • Change rooms • Lighting • Car parking 	<p>1.2 large winter playing field (Rugby) per 1000 persons. 1.2 tennis, netball or basket ball court per 1000 persons</p> <ul style="list-style-type: none"> • 30 car parks for each of the 1st 2 winter playing fields , 20 thereafter • 20 car parks for each of the 1st 2 netball/ basketball courts, 15 there after • 4 car parks per tennis court <p>1 clubhouse per 4 winter playing fields and per 6 courts</p>	<ul style="list-style-type: none"> • Integrate with Local or district parks where possible – to enhance appeal and diversity of opportunity. <p>See further detailed on playing field & court specifications</p>
Regional Facilities	Approximately 0.3 ha per 1,000 people.		Range of higher order facilities that satisfy Shire wide needs, including minimum 10 hectares site centralised Playing Fields in Ballina. Other major Shire wide recreational facilities include upgrading of the Ballina-Lennox Head Coastal Reserve, Construction of the Coastal cycleway, Regional Skate Park, Provision and upgrading of Regional Riverside Parks etc.	<ul style="list-style-type: none"> • Grandstand • Indoor sporting facilities • Athletics track • Club house • Amenities • Change rooms • Lighting • Car parking • Landscaping • Cycleways • Embellishment • Boating facilities 		<ul style="list-style-type: none"> • Provision of Centralised sporting facility in Ballina with good access from main road network • Development and implementation of Precinct Plan for Coastal Reserve.