



Submission on behalf of Intrapac Skennars Head Pty Ltd

Infrastructure Requirements the Implications for Development
Contributions – Skennars Head Development Stage 1

October 2017

10/10/2017 10:00 AM
10/10/2017 10:00 AM
10/10/2017 10:00 AM
10/10/2017 10:00 AM

TABLE OF CONTENTS

Introduction	1
Description of the development	1
Development Control Plan Requirements	2
Open space requirements.....	2
Traffic management requirements.....	2
Relationship with s94 plans	2
Applicable s94 Plans.....	3
Ballina Shire Open Space and Community Facilities Contributions Plan 2016.....	4
Infrastructure to be provided and offsets sought	5
Variation requested	6
Ballina Shire Roads Contribution Plan Version 4.0	6
Works funded under the Plan and their relationship with the development	6
Additional works required under the DCP	6
Water and Sewerage Services Upgrade.....	7
Summary	8
Attachment 1: Summary of Variations/Offsets Sought	9
Attachment 2: Northern Rivers Land Solutions – Submission regarding compliance with s64 of Local Government Act 1993.....	12

*Skennars Head Stage 1
Infrastructure provision and development contributions*

INTRODUCTION

This report has been prepared by Julia Kaul Planning and Policy on behalf of Intrapac Skennars Head Pty Ltd (the proponent) and specifically relates to the provision of public infrastructure throughout the subject site known as Stage 1 of the Skennars Head Expansion area (the site). It addresses the requirements of Councils Development Contributions Plans (s94 Plans), Development Control Plan (DCP) and Development Servicing Plans (DSPs) as they relate to the provision of infrastructure for the site.

It is acknowledged that the development will generate demand for infrastructure such as community facilities, open space and traffic management as well as the need for upgraded/additional water and sewerage treatment facilities. The proponent is willing to provide and/or make a monetary contribution towards a reasonable level of infrastructure. The proponent is however seeking, as part of their development application, a variation to the s94 and s64 requirements of Council due to the scope of the infrastructure to be provided as part of this development.

The following report details the variations sought and the justification for those variations. It also addresses the issues relating to works proposed under Section 5.7 of Chapter 3 of Ballina Development Control Plan 2012.

A summary of the infrastructure required/provided and variations sought is provided in Attachment 1.

Description of the development

Intrapac Skennars Pty Ltd is seeking to expand the existing residential area at Skennars Head, Ballina to create a contemporary coastal residential village located to the west of The Coast Road.

The new residential area comprises parts of Lot 6 in DP 1225206, DP 1212348, Lot 50 DP755684 and Lot 1 DP1184436 and is known as 505 North Creek Road, Skennars Head (the Development Site). The Development Site comprises 51.52 hectares of land.

The Development Site is identified in the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) as an Urban Release Area. The Development Site is zoned, Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre under the Ballina LEP 2012. Part of the Development Site is also shown as a deferred matter under the Ballina LEP 2012. That part of the Development Site is zoned, Zone No 7(d) Environmental Protection (Scenic/Escarpment) Zone under the Ballina LEP 1987.

The first stage of the development (Stage 1) the subject of this development application, relates to **Lot 6 in DP 1225206** and comprises 34.05 hectares of land (The DA Site). The proposed development will deliver a variety of residential lot sizes focussed around a future new neighbourhood centre and an open space network. The future neighbourhood centre (which is not part of this DA) will provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhoods and will act as a focal point for community activity and social interaction for local residents and visitors.

The open space network will deliver a centrally located local park (with a minimum area of 2,000m²) and a coastal neighbourhood park (with a minimum area of 4,000m²) providing a green corridor from the coastal wetlands through the site to The Coast Road.

The coastal buffer area along The Coast Road will provide for a coastal shared path and will minimise the visual impact from The Coast Road.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

The new coastal village will form a natural extension to existing residential development in Skennars Head, with a focus on maximising physical and visual connections to the coast and prioritising pedestrians and cyclists through the development and between Headlands Estate and Sharpes Beach.

The development will also respect the environmental qualities of the coastal wetlands and the natural environment.

DEVELOPMENT CONTROL PLAN REQUIREMENTS

Section 5.7 of Chapter 3 of Ballina Development Control Plan 2012 (DCP) contains requirements relating to the Skennars Head Expansion Area, including the provision of open space and access to the site from The Coast Road.

Open space requirements

The DCP requires the provision of a local park with a minimum area of 2000m² and a district park with a minimum area of 4000m². These requirements are similar to those imposed under the Ballina Shire Open Space and Community Facilities Contributions Plan 2016 and can be met on site as part of the proposed development.

In addition to this, the DCP requires the dedication at no cost to Council the land zoned 7(d) along the eastern boundary of the site as a coastal buffer zone. The proponent is prepared, as part of this application, to embellish the area of land zoned 7(d) but its dedication does not form part of this stage of the development. It is noted that, although the DCP requires the dedication of this land, the only means available to Council enforce this requirement is through a s94 of the *Environmental Planning and Assessment Act* or a mutually agreed planning agreement.

Traffic management requirements

The DCP requires the proponent to upgrade the Headlands Drive/The Coast Road intersection to meet the needs of “the development and existing road users [including the residential development to the north] by way of an appropriately configured roundabout” and that among other things this upgraded and relocated intersection is to provide for “consolidated access to the expansion area and Sharpes Beach”.

Through the wording of the DCP Council acknowledges the intersection will serve both existing and future traffic and will service areas that are external and unrelated to the subject development. Where intersection works serve a mix of existing and future demand and/or demand arising from areas/developments that are external and unrelated to the subject development, these works should be included in a s94 Plan to ensure the costs are shared equitably between those who benefit.

Relationship with s94 plans

If the infrastructure identified in the DCP meets demand that is external to the development it is reasonable to expect that it would be incorporated into the s94 Plan.

The amendments to the DCP that relate to the Skennars Head urban release area were adopted the same month as the current Open Space and Community Facilities s94 Plan. As such Council was aware of the open space and community infrastructure requirements related to developing this land prior to the adoption of this plan. It is therefore reasonable that the provision of this infrastructure be included in the current s94 plans.

Skennars Head Stage 1 Infrastructure provision and development contributions

Although this s94 Plan acknowledges the growth that will result from development in this area in its population projections and therefore also the needs analysis and apportionment calculations that underpin the contribution rates imposed, it does not address any of the infrastructure needs that are related to the development of this site. The requirements for the dedication of land in the DCP are not reflected in the s94 plan. It should also be noted that s94(1)(b) expressly permits the requirement to dedicate land free of charge under a s94 plan. There is no equivalent provision relating to DCPs and as such a DCP has no power to require dedication of land free of charge.

Although the roads and traffic management s94 plan predates the amendments to the DCP that relate to the Skennars Head urban release area by approximately eighteen months, it is noted that the DCP requires a significant intersection relocation/upgrade in association with the development of Skennars Head. The DCP also makes clear that these intersection works will cater for demand that is not related to the development of Skennars Head. It is therefore reasonable to expect Council to revise their s94 plan to include those works required under the DCP.

It would, therefore appear that Council has failed to adequately address the interaction between their s94 plans and the DCP. The implications of this for contribution rates is discussed in detail in the following sections of this submission.

APPLICABLE S94 PLANS

Under s94 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), councils can levy a contribution towards the provision or improvement of amenities or service. There are, however, strict requirements that relate to the calculation, imposition and expenditure of these contributions. The requirements are based on the following principles:

- Reasonableness,
- Nexus,
- Apportionment and
- Accountability

These principles should underpin all actions taken with regard to s94 contributions.

Before a contribution can be imposed, Council must have in place an adopted contributions plan which demonstrates the nexus between the development and the infrastructure for which it is being levied, the cost of providing that infrastructure and how the contribution rate is calculated. The s94 plan should also demonstrate links to key strategic documents such as the DCP, open space strategy and relevant traffic studies.

There are two contributions plans that apply to this development:

- Ballina Shire Open Space and Community Facilities Contributions Plan 2016 and
- Ballina Shire Roads Contributions Plan Version 4.0

As discussed above it is reasonable to expect that the contributions plans reflect the requirements of the DCP.

Although under s94B(1) *Environmental Planning and Assessment Act* (the Act) Council must impose a condition requiring a contribution that is in accordance with the adopted contributions plan, it is noted that both the plans that apply to the subject site contain provisions that permit Council to vary the contribution rate where it considered appropriate. It is therefore within Council's power to approve a reduced contribution rate if it considers it appropriate. Consent authorities other than council (including Joint Regional Planning Panels) are, under s94B(2) of the Act, not subject to the same level

*Skennars Head Stage 1
Infrastructure provision and development contributions*

of restriction and are only required to “have regard to” an adopted plan when imposing a condition requiring a contribution under s94 or s94A of the Act.

Furthermore, section 94(6) of the Act requires a consent authority (including council or JRPP), to consider any land money or works that have been provided free of cost by the applicant when imposing a condition requiring a contribution towards infrastructure, unless these were required as a condition of consent or under a planning agreement.

The following analysis is provided in justification of the variation sought the contribution rates required under Council’s existing contributions plans in accordance with s94(6).

Ballina Shire Open Space and Community Facilities Contributions Plan 2016

This Plan applies to all new residential development that will result in an increase in the number of dwellings and requires a contribution towards the following categories of infrastructure:

- Local parks
- District parks
- Regional parks
- Playing fields
- Multi-purpose community centres and meeting halls
- Regional level community facilities

The Plan provides planning benchmarks for each of the facilities to be funded by contributions. It is noted that for many of the facilities the focus is on improvements to existing facilities and the upgrade or embellishment of existing open space rather than the provision of new facilities.

Table 1 shows the infrastructure that would be required to serve the additional population if the benchmarks in the s94 Plan were applied. Note: These standards are similar to those contained in the DCP.

Table 1: Demand generated by proposed development

Type of facility	Standard applied	Demand generated by proposed development (m ²)	Level of provision proposed by Intrapac (m ²)
Local Park	0.33ha/1000 persons ²	1,942	In excess of minimum 2,000m ² as required by DCP
District Park	0.5ha/1000 persons	2,943	In excess of 4,000m ² has been provided within the coastal buffer
Regional open space	0.3ha/1000 persons	1,766	Provided as part of, and adjacent to, the district park within the coastal buffer
Playing fields	1.7ha/1000 persons	10,006	N/A
Multipurpose halls	105m ² /1000 persons	62	N/A
Libraries	35m ² /1000 persons	21	N/A
Surf lifesaving facilities	17m ² /1000 persons	10	N/A

Based on benchmarks in Ballina Open Space and Community Facilities Contributions Plan 2016

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Note: The estimated population for Stage 1 of Skennars Head only and is based on Council's indicative occupancy rate of 2.7 persons per lot with 218 residential lots created. The super lots and the residue lots have not been included for the purposes of this calculation as future occupancy/dwelling yield is unknown. Based on these assumptions the proposed development would generate an additional 578 persons.

Although the development of this site has been incorporated into the population projections on which the s94 Plan is based, no consideration has been made of the provision of facilities on site for the Skennars Head expansion area when determining the contributions applicable under the Plan. This is regardless of the infrastructure needs being identified in Council's DCP which pre-dates this s94 Plan.

Infrastructure to be provided and offsets sought

It is intended that the local, district and regional passive open space requirements of this development will be embellished and dedicated to Council as part of this proposal. The additional coastal buffer land which is in excess of that required to be provided to serve demand from this development will be embellished as part of this proposal but will not be dedicated to Council at this stage as it is not required to meet the established benchmarks under the s94 Plan.

Local, district and regional passive open space

As can be seen from Table 1 the scope of works in relation to local, district and regional parks exceeds the benchmark requirements set under the contributions Plan. As these facilities are to be provided on site it is unreasonable that the proponent be required to contribute to the provision of similar facilities elsewhere in the Shire as to do this would be double-dipping which is contrary to the basic principles of apportionment and reasonableness which underpin s94 contributions.

Furthermore, as the demand for passive open space generated by this development will be fully met onsite there is no nexus between this development and the need to upgrade passive open space external to the site.

Council have advised that, although they consider an offset for the embellishment of local passive open space, under the provisions of the s94 plan the district and regional passive open space requirements will be met elsewhere and as such an offset is not possible. The DCP, however, requires the provision of an area of district open space and the dedication of the land zoned 7(d) which would be classified as regional open space. As Council require their provision on site under the DCP as well as contribution towards the provision of equivalent facilities elsewhere it is considered double-dipping. This is unreasonable and contrary to the principles on which s94 contributions are based.

On this basis the proponent is seeking a full offset against the contributions for local, district and regional passive open space.

Active open space

Council have acknowledged that it is neither reasonable nor practical to provide playing fields on site in both the provisions of the DCP and the requirements of the s94 plan. It is therefore considered reasonable that a contribution towards their provision external to the site is warranted. No variation is being sought to the contribution towards active open space facilities.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Community facilities (district and regional)

Based on the benchmarks set in the Plan, the proposed development will not generate sufficient additional demand for the provision of full workable community centre on site and as such a contribution towards their provision external to the site is considered reasonable.

Variation requested

The following variations are requested to the development contributions levied under Ballina Shire Open Space and Community Facilities Contributions Plan 2016 are as follows:

- Exemption from contribution for local parks @\$247.04/lot
- Exemption from contribution for district parks @ 1,093.38/lot
- Exemption from contribution for regional open space @ \$1,789.36/lot

This will result in the reduction of the contribution from \$7,812.75/lot to \$4,682.97/lot based on the un-indexed contribution rates stated in the s94 Plan.

Ballina Shire Roads Contribution Plan Version 4.0

Ballina Shire Roads Contribution Plan Version 4.0 identifies a wide range of road upgrades and traffic management facilities across the Shire and seeks a contribution from all traffic generating development towards the provision of these works. The contribution rate under this Plan for development of this type is \$11,539.54/lot with an estimated total contribution for the development of \$2,515,620.

Works funded under the Plan and their relationship with the development

This Plan seeks to fund a variety of road upgrades and traffic management across the Shire and assumes that all areas in the Shire benefit equally from all of the facilities that are to be funded. Costs are apportioned accordingly.

The majority of the works proposed to be funded under this Plan are remote from the subject land and have little or no nexus to the development proposed. Under the current method of apportionment, the same contribution rate is applied across the Shire. This method of apportionment may have been chosen for simplicity or in an attempt to spread the costs across the broadest range of development. However, this approach is not reasonable as it does not consider the catchment or strength of nexus for the works proposed. One example of this is the payment of a contribution towards the upgrading of Ross Lane which is located to the north west of the subject development, on the opposite side of the Reserve, with no nexus to the development that is being required to contribute. This is one of at least 14 such roads within this contributions plan.

The inappropriate method of apportionment results in a contribution rate that is unreasonable based on works that have little or no nexus to the proposed development.

Additional works required under the DCP

Under the provisions of the DCP the proponent is required to relocate the intersection of Headlands Drive to realign the road with the entrance to the Sharpes Beach car park to improve access and provide greater safety for motorists and pedestrians. This intersection will cater for traffic accessing the subject site but will also accommodate the traffic generated by the residential development to the north, vehicles travelling along The Coast Road and vehicles accessing the Sharpes Beach car park. It is noted that Sharpes Beach is a popular beach that attracts visitors from across the Shire.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

The need for these intersection works and their role in addressing demand from external sources unrelated to this site were clearly stated in Council's DCP. As stated in the DCP the demand for these works is not attributed solely to the Skennars Head development it is noted that Council has not amended the s94 Plan to include these works. As such the cost is not being appropriately apportioned between all demand generated and as such the imposition of the total cost of the works on the proponent is unreasonable.

Whilst this s94 Plan requires the proponent to contribute to works that have little nexus to the proposed development, traffic generating development elsewhere in the Shire is not required to contribute to the intersection works required as part of the subject development even though Council have acknowledged they will benefit from them. This is not considered reasonable and the applicant is seeking the contribution required under Ballina Shire Roads Contribution Plan Version 4.0 to be reduced by an amount equivalent to the cost of the provision of the intersection treatment.

In addition to the above, Council's preferred intersection treatment is a 4-way roundabout whilst the proponent's preferred intersection treatment is a 4-way signalised intersection. Preliminary cost estimates indicate that these two intersection treatments would cost approximately \$2 million and \$2.3 million respectively to construct and as such there is not a significant price differential between the two options. The 4-way signalised intersection will however offer greater safety for pedestrians accessing the beach from the residential development (both existing and future) on the western side of The Coast Road, as well as the capacity to deal with future increases in traffic volumes as the surrounding area is developed. However, due to recent community submissions, Intrapac will now amend the DA to provide a roundabout at this intersection

It is not clear how Council intends to require the proponent to undertake these works, when they are not covered by a s94 plan. It is assumed that they will seek to impose a condition of consent under s80A(1)(f) of the Act. The validity of this approach is questionable, as Council have acknowledged in the DCP that these works are required to serve demand that is not solely attributable to this development.

Notwithstanding this, the proponent is willing to negotiate with Council to ensure the provision of the intersection treatment works. However it is not reasonable to expect these works to be fully funded by the proponent in addition to requiring the payment of a full contribution for works that have limited nexus to their site. Accordingly, it is considered reasonable that the cost of providing this intersection treatment be offset against the s94 contribution for roads.

WATER AND SEWERAGE SERVICES UPGRADE

A detailed analysis of how Council's DSPs apply to the development and the implications for the servicing plan has been provided by Northern Rivers Land Solutions. Their report is attached (see Attachment 2)

Council previously requested that allowance be made within the systems to address existing issues relating to underservicing of adjacent development. These additional works accounted for approximately 20% of the capacity required to be provided to service the development. It is not reasonable to expect the proponent to bear the costs associated with providing water and sewerage works that do not relate to their development and Council will need to meet the costs associated with the additional works required that do not relate directly to the development. Council have since advised that they no longer require this allowance to be made.

If this additional allowance is no longer required, the system design will be adjusted accordingly and the proponent will not seek an offset from Council. However, if Council, changes its stance and

*Skennars Head Stage 1
Infrastructure provision and development contributions*

requires additional capacity in the system then it is reasonable to expect that the proponent will be appropriately compensated.

SUMMARY

The proponent is seeking the extent of infrastructure works being provided on site as part of this development in accordance with the DCP to be taken into consideration when establishing the contribution rate to be applied, as required by s94(6) of the Act

In this regard it is requested that consent authority consider the following variations to Council's infrastructure funding and standards of provision as justified in this report:

1. That the contribution rate per lot under the Ballina Open Space and Community Infrastructure Contributions Plan 2016 be reduced from \$7,812.75/lot to \$4,682.97/lot to allow for the provision of open space facilities, including both land and works, within the subject development.
2. That the cost of the treatment of the intersection of the realignment of Headlands Drive and The Coast Road be offset against the contribution payable under Ballina Shire Roads Contribution Plan Version 4.0.
3. The proponent be compensated for any additional water and sewerage works that are provided at Council's request to serve development that is not part of this proposal.

Furthermore, for the reasons outlined above the dedication of the coastal buffer area free of charge as identified by the Ballina Development Control Plan 2012 is not to form part of the consideration of the subject proposal for the reasons outlined in this report.

These requests are based on the analysis of the infrastructure requirements of the proposed development as required by Council's DCP against the provisions of Councils contributions plans and an assessment of the applicable contributions plans against the legislative and regulatory requirements as they relate to contributions including the principles on which contributions are based. The requested variations to Council's contributions plans are considered soundly based and reasonable.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

ATTACHMENT 1: SUMMARY OF VARIATIONS/OFFSETS SOUGHT

The following table summarises the infrastructure required for this development and any variations sought as part of this proposal

RELEVANT PLAN	INFRASTRUCTURE ITEM	VARIATION SOUGHT	COMMENTS	METHOD OF PROVISION
BALLINA OPEN SPACE & COMMUNITY FACILITIES CONTRIBUTIONS PLAN 2016	Local open space	Full exemption	<ul style="list-style-type: none"> • Provided onsite • No nexus between proposed development and need to upgrade external parks • Contribution is not reasonable 	Works-in-kind/land dedication
	District open space	Full exemption	<ul style="list-style-type: none"> • Provided onsite • No nexus between proposed development and need to upgrade external parks • Contribution is not reasonable 	Works-in-kind/land dedication
	Regional open space	Full exemption	<ul style="list-style-type: none"> • Provided onsite • No nexus between proposed development and need to upgrade external parks • Contribution is not reasonable 	Works-in-kind
	Active open space	N/A	<ul style="list-style-type: none"> • Cannot be provided onsite • Demonstrated nexus with external provision • Apportionment reasonable 	Monetary contribution
	District community facilities	N/A	<ul style="list-style-type: none"> • Cannot be provided onsite • Demonstrated nexus with external provision 	Monetary contribution
	Regional community facilities	N/A	<ul style="list-style-type: none"> • Cannot be provided onsite • Demonstrated nexus with external provision 	Monetary contribution
BALLINA SHIRE ROADS CONTRIBUTION PLAN VERSION 4.0	Shire-wide road works	Offset of cost of Headland Dr/The	<ul style="list-style-type: none"> • Lack of nexus with the majority of roadworks contained in the s94 Plan and the location of the site 	Offset through material public benefit of intersection works

9.2 Voluntary Planning Agreement - Skennars Head Expansion Area.DOC

*Skennars Head Stage 1
Infrastructure provision and development contributions*

RELEVANT PLAN	INFRASTRUCTURE ITEM	VARIATION SOUGHT	COMMENTS	METHOD OF PROVISION
		Coast Road Intersection	<ul style="list-style-type: none"> Proposed intersection caters for demand external to the site as well as the site and costs should be apportioned between all who benefit under principles of s94 	
BALLINA DEVELOPMENT CONTROL PLAN 2012	Local Park minimum area 2,000m ²	Nil – to be provided onsite	<ul style="list-style-type: none"> This park (including embellishment) will be provided as part of Stage 1 of the development 	Works-in-kind/land dedication
	Neighbourhood Park minimum area 4,000m ²	Nil – to be provided onsite	<ul style="list-style-type: none"> This park (including embellishment) will be provided as part of Stage 1 of the development 	Works-in-kind/land dedication
	Coastal parkland	Embellishment only but no dedication with Stage 1	<ul style="list-style-type: none"> This area of land will be embellished as part of Stage 1 Dedication of land to be discussed with Council Demand for facility is regional in catchment and it should be incorporated into the s94 plan and appropriately apportioned if Council are seeking dedication 	Works-in-kind (embellishment only)
	Intersection upgrade/realignment – Headlands Drive/The Coast Road	Cost to be offset against s94 roads contribution	<ul style="list-style-type: none"> DCP identifies that the upgrade is required to service development other than that on the site As benefit extends beyond the subject site intersection treatment should be incorporated in to s94 plan and appropriately apportioned 	Cost offset against s94 roads contribution
DEVELOPMENT SERVICING PLANS	Water supply & wastewater disposal systems	Council to reimburse proportion of the cost of the works that can be	<ul style="list-style-type: none"> Council are requiring the augmentation of works proposed to address an existing undersupply issue for development external to the site 	Any costs incurred that are not directly related to servicing the demand from the proposed development to be reimbursed to the proponent

9.2 Voluntary Planning Agreement - Skennars Head Expansion Area.DOC

*Skennars Head Stage 1
Infrastructure provision and development contributions*

RELEVANT PLAN	INFRASTRUCTURE ITEM	VARIATION SOUGHT	COMMENTS	METHOD OF PROVISION
		attributed to the need to address existing issues with undersupply and development external to the site	<ul style="list-style-type: none">• Review of DSP requirements against required works indicates that approximately 20% of the cost of the works required• It is unreasonable to expect the proponent to meet the costs associate with works that are not required to service their development.	

9.2 Voluntary Planning Agreement - Skennars Head Expansion Area.DOC

*Skennars Head Stage 1
Infrastructure provision and development contributions*

ATTACHMENT 2: NORTHERN RIVERS LAND SOLUTIONS – SUBMISSION
REGARDING COMPLIANCE WITH S64 OF LOCAL GOVERNMENT ACT 1993

*Skennars Head Stage 1
Infrastructure provision and development contributions*



NORTHERN RIVERS LAND SOLUTIONS
Surveying | Town Planning | Engineering | Environmental
ABN: 92 143 457 210

**Submission In Regard To Compliance With Ballina
Shire Council Contributions Under Section 64 & 94 of
The NSW Environmental Planning And Assessment
Act 1979, (As Amended)**

Prepared for Intrapac Skennars Head Pty Ltd

**In support of the Development Application
for Skennars Head Village**

**Lot 6 DP1225206
505 North Creek Road**

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

DOCUMENT CONTROL RECORD

This document prepared by:
Northern Rivers Land Solutions P: 61 2 6681 6696
 ABN 93 143 457 210 F: 61 2 6681 6410
 76 Tamar Street E: enquiries@nrls.com.au
 Ballina NSW 2478

PROJECT DETAILS				
Proponent:	Intrapac Skennars Head Pty Ltd			
Proponent Contact:	C/- Northern Rivers Land Solutions 76 Tamar Street, Ballina NSW 2478			
Subject Land:	Lot 6 DP1225206 - 505 North Creek Road, Skennars Head			
Project outline:	Contributions Submission			
DOCUMENT CONTROL				
Document Title:	Submission In Regard To Compliance With Ballina Shire Council Contributions Under Section 64 & 94 Of The NSW Environmental Planning And Assessment Act 1979, (As Amended)			
Job Number:	16037			
Rev:	Date:	Prepared by:	Verifier:	Approver:
6	17/10/2017	T Hart	M McNamara	M McNamara

Notice:

The plans to this document were prepared for the exclusive use by Intrapac Skennars Head Pty Ltd and are not to be used for any other purpose or by any other person or corporation. Northern Rivers Land Solutions accepts no responsibility for any loss or damage suffered, howsoever arising, to any person or corporation who may use or rely on this document for purposes other than the proposed development. Plans accompanying this document may not be reproduced, stored or transmitted in any form unless this note is included. No extract of text from this document may be reproduced, stored or transmitted in any form without the prior consent of Northern Rivers Land Solutions. Northern Rivers Land Solutions declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of section 147(3) of the Act to declare.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nrls.com.au | 2

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 -- 505 North Creek Road, Skennars Head

TABLE OF CONTENTS	
DOCUMENT CONTROL RECORD	2
TABLE OF CONTENTS	3
EXECUTIVE SUMMARY	4
1.1 INTRODUCTION	5
1.2 OBJECTIVE OF THIS REPORT	8
1.3 SITE DETAILS	10
1.4 BACKGROUND	11
1.5 DEVELOPMENT CONTRIBUTIONS	12
1.6 SUMMARY	25

PO Box 1324 BALLINA NSW 2478 P 61 2 6681 6696 E enquiries@nrfs.com.au 3

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

EXECUTIVE SUMMARY

Northern Rivers Land Solutions has been engaged to assist with the preparation and lodgement of a Development Application with Ballina Shire Council in regards to land described as Lot 6 DP1225206, 505 North Creek Road, Skennars Head. The subject land of this report has been prepared to accompany the Development Application to be determined by the Northern Region Joint Planning Panel for the subdivision of 34.05 hectares of land being Lot 6 DP1225206 and known as 505 North Creek Road, Skennars Head, Ballina.

The Development Site is identified in the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) as an Urban Release Area. The Development Site is zoned, Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre under the Ballina LEP 2012, and 7 (d) in the Ballina LEP 1987.

The subject land is capable of supporting the development in a manner consistent with the zone objectives. It is our position that the development can be seen to satisfy a legitimate need. The subject land is capable of supporting the development in a manner consistent with the zone objectives. The proposed development application is permissible under the provisions of Ballina Local Environmental Plan 2012, as well as other relevant instruments.

The development as proposed in this Development Application meets the statutory requirements under the relevant Ballina Shire Council Contributions Plans as shown in the "2016/17 Fees & Charges as adopted on 23 June 2016".

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nrts.com.au 4

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

1.1 INTRODUCTION

Intrapac Skennars Head Pty Ltd is seeking to expand the existing residential area at Skennars Head, Ballina to create a contemporary coastal residential village located to the west of The Coast Road.

The new residential area comprises part of Lot 6 DP1225206 Lot 50 DP755684 and Lot 7 DP1225206 and is known as 505 North Creek Road, Skennars Head (the Development Site). The Development Site comprises 51.52 hectares of land.

The Development Site is identified in the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) as an Urban Release Area. The Development Site is zoned, Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre under the Ballina LEP 2012. Part of the Development Site is also shown as a deferred matter under the Ballina LEP 2012. That part of the Development Site is zoned, Zone No 7(d) Environmental Protection (Scenic/Escarpment) Zone under the Ballina LEP 1987.

The first stage of the development (Stage 1) the subject of this development application, relates to Lot 6 DP1225206 and comprises 34.05 hectares of land (The DA Site). The proposed development will deliver a variety of residential lot sizes focussed around a future new neighbourhood centre and an open space network. The future neighbourhood centre (which is not part of this DA) will provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhoods and will act as a focal point for community activity and social interaction for local residents and visitors.

The open space network will deliver a centrally located local park (with a minimum area of 2,000m²) and a coastal neighbourhood park (with a minimum area of 4,000m²) providing a green corridor from the coastal wetlands through the site to The Coast Road.

The coastal buffer area along The Coast Road will provide for a coastal shared path and will minimise the visual impact from The Coast Road.

Stormwater management and servicing works, including the continued discharge of stormwater to the coastal wetlands and to The Coast Road, provision of water and sewerage infrastructure in an easement on Lot 50 DP755684 and Lot 7 DP1225206, and proposed augmentation to the existing stormwater network under The Coast Road to outlets in Lot 4 DP1184436 and Lot 7 DP1225206.

The new coastal village will form a natural extension to existing residential development in Skennars Head, with a focus on maximising physical and visual connections to the coast and prioritising pedestrians and cyclists through the development and between Headlands Estate and Sharpes Beach.

The development will also respect the environmental qualities of the coastal wetlands and the natural environment.

This Submission In Regard To Compliance With Ballina Shire Council Contributions Under Section 64 & 94 of The NSW Environmental Planning And Assessment Act 1979, (As Amended), has been prepared to accompany the development application (DA) to be determined by the Northern Region Joint Planning Panel for the subdivision of 34.05 hectares of land being Part Lot 6 DP1225206 and known as 505 North Creek Road, Skennars Head, Ballina.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6896 E: enquiries@nhs.com.au | 5

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 -- 505 North Creek Road, Skennars Head

Intrapac Skennars Head Pty Ltd is seeking development consent for the first stage of a residential subdivision involving 218 residential lots. The development (Stage 1) also involves:

- Torrens Title subdivision to create 218 residential lots (ranging in size from 451m² to 757m²) for future dwellings
- The creation of:
 - four (4) lots for a proposed drainage reserve
 - one (1) lot for proposed sewer pumping station
 - five (5) lots for proposed public reserves
 - eight (8) super lots (ranging in size from 1,290m² to 13,332m²) for future subdivision to accommodate a neighbourhood centre and additional residential lots
 - one (1) residual lot (3,304m²)
- Development consent is also sought for the public domain landscaping and infrastructure provision for the local park, neighbourhood park and public reserve lots (coastal buffer).
- Development consent is also sought for all subdivision works required to prepare the land in Stage 1 for the future development comprising:
 - site preparation and earthworks including the importation of fill material and regrading works
 - stormwater management and drainage works including the continued discharge of stormwater to the coastal wetlands and to The Coast Road
 - road and pavement construction including:
 - the construction of a new access to The Coast Road and associated upgrading of the existing Coast Road and Sharpes Beach Car Park Access Junction with a signalised intersection
 - connection into Headland Drive
 - construction of internal road network and lanes serving the residential lots
 - tree removal in accordance with staged development and generally as shown on the landscape plan
 - utilities augmentation including:
 - the relocation of the existing water supply trunk main in stages through the DA Site to the western boundary
 - construction of a new recycled water main through the DA Site and through Lot 50 DP755684 and Lot 7 DP1225206 to connect to the existing recycled watermain

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

- construction of a new sewer main through the DA Site and through Lot 50 DP755684 and Lot 7 DP1225206 to connect into the existing sewerage pumping station on North Creek Road
- augmentation of the existing stormwater network under The Coast Road to outlets in Lot 4 DP1184436 and Lot 7 DP1225206
- registration of an easement through Lot 50 DP755684 and Lot 7 DP1225206

The staging of the subdivision works and landscaping works in Stage 1 will be carried out generally in accordance with the staging plan accompanying the DA or as otherwise agreed with the Ballina Shire Council.

The future subdivision of the eight (8) super lots and associated site works comprising final regrading, collection and disposal of stormwater, connection to sewer, trunk water main and recycled watermain, internal lane and pavement construction will be undertaken in subsequent stages and will be the subject of future applications.

The proposed development is Integrated Development.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

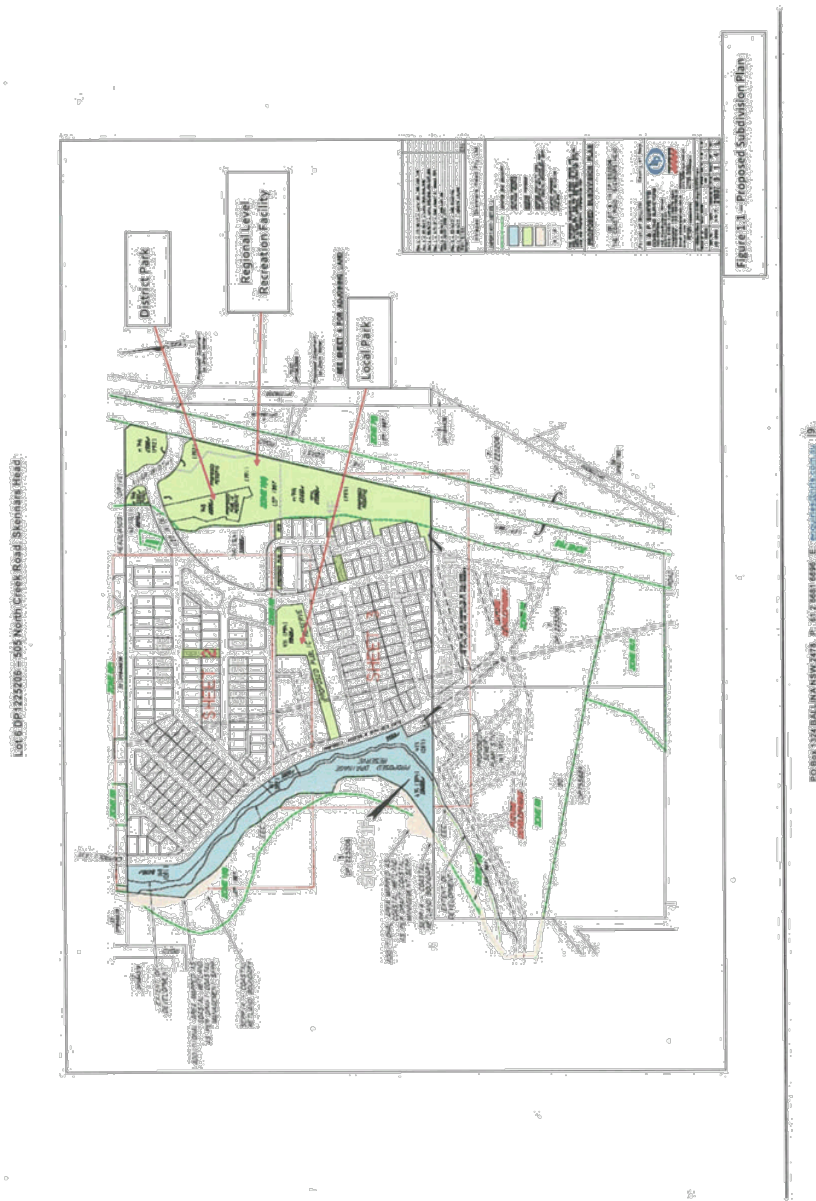
Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

1.2 OBJECTIVE OF THIS REPORT

- » To determine what works and/or land dedications can be undertaken in relation to the proposed development.
- » To determine the extent to which these works are required to cater for an existing shortfall or development that is external to the subject site.
- » To determine the extent to which the proportion of the works for which it is reasonable that Council contributes towards.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@mris.com.au | 8

*Skennars Head Stage 1
Infrastructure provision and development contributions*



*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

1.3 SITE DETAILS

Intrapac Skennars Head Pty Ltd is seeking to expand the existing residential area at Skennars Head, Ballina to create a contemporary coastal residential village located to the west of The Coast Road.

The new residential area comprises parts of Lot 6 DP1225206, Lot 50 DP755684 and Lot 7 DP1225206 and is known as 505 North Creek Road, Skennars Head (the Development Site). The Development Site comprises 51.52 hectares of land.

The Development Site is identified in the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) as an Urban Release Area. The Development Site is zoned, Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre under the Ballina LEP 2012. Part of the Development Site is also shown as a deferred matter under the Ballina LEP 2012. That part of the Development Site is zoned, Zone No 7(d) Environmental Protection (Scenic/Escarpment) Zone under the Ballina LEP 1987.

The first stage of the development (Stage 1) the subject of this development application, relates to Lot 6 DP1225206 and comprises 34.05 hectares of land (The DA Site). The proposed development will deliver a variety of residential lot sizes focussed around a future new neighbourhood centre and an open space network. The future neighbourhood centre (which is not part of this DA) will provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhoods and will act as a focal point for community activity and social interaction for local residents and visitors.

In accordance with the Ballina Development Control Plan 2012, the open space network will deliver a local park (with a minimum area of 2,000m²) and a district park (with a minimum area of 4,000m²) providing a green corridor from the coastal wetlands through the site to The Coast Road.

Additional parkland with an area of approximately 47,298m² is also being proposed as part of Council's "Regional Level Recreation Facilities". The coastal buffer area along The Coast Road will provide for a coastal shared path and will minimise the visual impact from The Coast Road.

Stormwater management and servicing works including the continued discharge of stormwater to the coastal wetlands and to The Coast Road, provision of water and sewerage infrastructure in an easement on Lot 50 DP755684 and Lot 7 DP1225206, and proposed augmentation to the existing stormwater network under The Coast Road to outlets in Lot 4 DP1184436 and Lot 7 DP1225206.

The new coastal village will form a natural extension to existing residential development in Skennars Head, with a focus on maximising physical and visual connections to the coast and prioritising pedestrians and cyclists through the development and between Headlands Estate and Sharpes Beach.

The development will also respect the environmental qualities of the coastal wetlands and the natural environment.

PO Box 1324 BALLINA NSW 2478 | P: 61 2 6681 6696 | E: enquiries@mrk.com.au | 10

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 -- 505 North Creek Road, Skennars Head

1.4 BACKGROUND

Northern Rivers Land Solutions (NRLS) has been engaged in regard to land described to be determined by the Northern Region Joint Planning Panel for the subdivision of 34.05 hectares of land being Part Lot 6 DP1225206 and known as 505 North Creek Road, Skennars Head, Ballina.

NRLS has identified the relevant contributions applicable under the following Ballina Shire Council Contributions Plans:

- » Ballina Shire Open Space and Community Facilities Contribution Plan 2016;
- » Ballina Shire Roads Contribution Plan, Version 4.0;
- » Rous Water DSP;
- » Wastewater Services DSP, and
- » Water Supply DSP.

These plans also identify that Council has discretion to consider certain works and/or the provision of land in lieu of contributions, in certain circumstances.

PO Box 1324 BALLINA NSW 2478 | P: 61 2 6681 6696 | E: enquiries@nrls.com.au | 11

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

1.5 DEVELOPMENT CONTRIBUTIONS

The following Council Development Contributions are applicable to the land which is the subject of this Development Application:

The following tables identify the specific monetary values associated with each component of the separate Contribution Plans adopted by Ballina Shire Council that apply to this Development Application.

Intrapac Skennars Head Pty Ltd are proposing to undertake works and provide land in lieu of Development Contributions, in consultation with Council.

The following tables identify where items are included as "Provision of Land & Elements of Embellishment Proposed in the Development"

Ballina Shire Open Space & Community Facilities Contributions Plan 2016

Under the provisions of the "Ballina Shire Council Open Space & Community Facilities Contributions Plan 2016, Section 3.2 Works Schedule and Nexus". It is stated that "The delivery of new open space and community facilities to support Ballina Shire development will include the acquisition of land and carrying out of capital works."

The Ballina Shire Development Control Plan (DCP) 2012 identifies certain land immediately west and adjacent to The Coast Road, as a coastal reserve. A provision in the DCP says that the coastal reserve should be dedicated to the Council at no cost, however, the Ballina Shire Open Space and Community Facilities Contributions Plan 2016 (Contribution Plan), is the relevant contributions plan applying to the land the subject of this Development Application.

While the Contribution Plan does identify certain open space and community facilities, for which contributions can be levied for under S94 of the Environmental Planning and Assessment Act 1979, (as Amended). The S94 Plan does not identify the coastal reserve (provision of proposed Public Reserve parcels of 22,815m² and 20,793m², respectively, as per Figure 1.1) as an item of infrastructure that the Council can levy for under that Plan.

This development application proposes to provide significant land and embellishment work as described above in Table 1.4.1, as Works in Kind AND/OR Provision of Land in Lieu of Contributions.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nrfs.com.au 112

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

Table 1.4.1 – Applicable Contributions Under Ballina Shire Open Space & Community Facilities Contributions Plan 2016

Applicable Contributions Under the Ballina Shire Open Space & Community Facilities Contributions Plan 2016				
Applicable S94 Contributions (Residential Lots Only)	Ballina Shire Council - Contribution Rate Per Lot (\$)	Works in Kind AND/OR Provision of Land in Lieu of Contributions	Provision of Land & Elements of Embellishment Proposed in the Development	Compliance with the BSC Open Space & Community Facilities Contributions Plan 2016
Local Parks	\$247.04	Provision of Local Parks (Proposed Public Reserves) in excess of 2,000m ² in area, being the proposed public reserves identified in Figure 1.1.	1. Provision of proposed Public Reserve parcels of 1,079m ² , 4,806m ² , and 2,647m ² , respectively, as per Figure 1.1. 2. Pathways/Cycleways, Playgrounds/Equipment, Seating, Landscaping (Trees) as per the plan titled Skennars Head Expansion Area Overall Landscape Master Plan, prepared by Landsite as part of this application.	Refer "Section 3.2 Works Schedule and Nexus". The delivery of new open space and community facilities to support Ballina Shire development will include the acquisition of land and carrying out of capital works. Refer Section 3.2.1 Local Parks".
District Parks	\$1,093.38	Provision of District Parks An additional Coastal Neighbourhood Park of Min Area 4,000m ² is being provided in the Development Application. This equates to a District Park in the Ballina Shire Council Area. (see Plans attached)	1. Provision of a proposed Public Reserve parcel of 7,848m ² , 727m ² and 343m ² , as per Figure 1.1. 2. Boardwalk, Pathways/Cycleways, Playgrounds/Equipment, Seating, Landscaping (Trees) as per the plan titled Skennars Head Expansion Area Overall Landscape Master Plan, prepared by Landsite as part of this application.	Refer "Section 3.2 Works Schedule and Nexus". The delivery of new open space and community facilities to support Ballina Shire development will include the acquisition of land and carrying out of capital works. Refer Section 3.2.2 District Parks".
Playing Fields	\$2,461.80	N/A	N/A	N/A

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@oris.com.au 113

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 605 North Creek Road, Skennars Head

Regional Level Recreation Facilities	\$1,789.36	Coastal Reserve Facilities in accordance with Ballina Coastal Reserve Plan of Management.	1. Provision of proposed Public Reserve parcels of 22,815m ² and 20,793m ² , respectively, as per Figure 1.1. 2. Boardwalk, Pathways/Cycleways, Playgrounds/Equipment, Seating, Landscaping (Trees) as per the plan titled Skennars Head Expansion Area Overall Landscape Master Plan, prepared by Landsite as part of this application.	Refer "Section 3.2 Works Schedule and Nexus". The delivery of new open space and community facilities to support Ballina Shire development will include the acquisition of land and carrying out of capital works. Refer Section 3.2.4 Regional Level Recreation Facilities".
Multi-Purpose Community Centres & Meeting Halls	\$1,065.61	Accepted - Mandatory Contribution	N/A	Accepted
Regional Level Community Facilities	\$1,049.24	Accepted - Mandatory Contribution	N/A	Accepted
Plan Administration	\$106.32	Accepted - Mandatory Contribution	N/A	Accepted
Subtotal Open Space (\$)	\$7,812.75			

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

Ballina Shire Roads Contributions Plan, Version 4.0

Under the provisions of the *Ballina Shire Roads Contribution Plan Version 4.0 Section 2.1.6 Works in Kind & Other Material Public Benefits*, it is stated that "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 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."

The Ballina Shire Development Control Plan (DCP) 2012 identifies the need to "upgrade the Headlands Drive/The Coast Road intersection to meet the needs of the development and existing road users by an appropriately configured roundabout. The upgrade plan is to provide for the following:

- Consolidated access to the expansion area and Sharpes Beach;
- Deviation of Headlands Drive as part of the consolidated access; and
- Closure of any redundant parts of Headlands Drive."

While the Ballina Shire Roads Contribution Plan, Version 4.0 identifies specific works under that Plan, for which contributions can be levied for under 594 of the Environmental Planning and Assessment Act 1979, (as Amended), these works are not included in that Plan.

This application is providing a Material Public Benefit by proposing works shown in Table 1.4.2 that include consolidated access to the expansion area and access from the road reserve to Sharpes Beach, Deviation of Headlands Drive as part of the consolidated access. These works are considered to adequately address the requirements under the Ballina Shire Roads Contribution Plan, Version 4.0.

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

Table 1.4.2 - Applicable Contributions Under Ballina Shire Roads Contribution Plan, Version 4.0

Applicable Contributions Under the Ballina Shire Roads Contribution Plan, Version 4.0				
Applicable S94 Contributions (Residential Lots Only)	Ballina Shire Council - Contribution Rate Per Lot (\$)	Works in Kind AND/OR Provision of Land in Lieu of Contributions	Provision of Land & Elements of Embellishment Proposed in the Development	Compliance with the BSC Roads Contribution Plan Version 4.0
Roads Contribution Plan V4.0 (2015)	\$11,593.00	Construction of the new intersection of The Coast Road and Headlands Drive.	1. Provision of land for new road corridors. 2. Construction works for new intersection between The Coast Road and Headlands Drive, as per the engineering plans prepared by Knobel Consulting Engineers.	Refer Section 2.1.6 Works - In Kind & Other Material Public Benefits 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 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.
Roads Administration V4.0 (2015)	\$174.00	Accepted - Mandatory Contribution	N/A	Accepted
Subtotal Roads (\$)	\$11,767.00			

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nra.com.au 116

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

Rous Water Development Servicing Plan (DSP) for Bulk Water Supply 2016

Table 1.4.3 – Contributions Under the Rous Water Development Servicing Plan (DSP) for Bulk Water Supply 2016

Applicable Contributions Under the Rous Water Development Servicing Plan (DSP) for Bulk Water Supply 2016				
Applicable Contributions (Residential Lots Only)	Ballina Shire Council - Contribution Rate Per Lot (\$)	Works in Kind AND/OR Provision of Land in Lieu of Contributions	Provision of Land & Elements of Embellishment Proposed in the Development	Compliance with the Rous Water Development Servicing Plan (DSP) for Bulk Water Supply 2016
Rous Water	\$8,256.00	N/A	N/A	Accepted
Headworks Charges				
Subtotal (Rous Water (\$))	\$8,256.00			

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nra.com.au 17

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

Ballina Shire Council Development Servicing Plan for Water Supply Infrastructure 2015

Table 1.4.4 – Contributions Under the Ballina Shire Council Development Servicing Plan for Water Supply Infrastructure 2015

Applicable Contributions Under the Ballina Shire Council Development Servicing Plan for Water Supply Infrastructure 2015				
Applicable Contributions (Residential Lots Only)	Ballina Shire Council - Contribution Rate Per Lot (\$)	Works in Kind AND/OR Provision of Land in Lieu of Contributions	Provision of Land & Elements of Embellishment Proposed in the Development	Compliance with the Ballina Shire Council Development Servicing Plan for Water Supply Infrastructure 2015
Skennars Head Water Supply (DSP Area B)	\$3,221.00	Accepted Mandatory Contributions	N/A	Accepted
Subtotal Water Supply Infrastructure (\$)	\$3,221.00			

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nrils.com.au 118

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure 2015

Under the provisions of the "Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure 2015 Section 2.12 Works in Kind". It is stated that "Works in kind" involves the construction or provision of infrastructure that has been identified in a works schedule contained in the Development Services Plan in lieu of full or part payment of a contribution relating to that section of the plan. The decision to accept "works in kind" contributions will be at the discretion of Council.

Intrapac Skennars Head Pty Ltd is proposing to upgrade the existing sewer infrastructure to accommodate future loading from the Sharpes Beach Car Park and also accommodate the current loads generated from the existing Headlands Estate. It is considered that this infrastructure provision/upgrade, be considered as an additional benefit for works in kind, as per the Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply.

The following factors are relevant:

[Please note that advice and data from Andrew Wells, Director of Planit Development & Engineering Consultants has been provided with this section shown in boxes below.]

The existing sewerage infrastructure is inadequate to deal with the current load from the existing population in Skennars Head as at today's date.

To connect the subject land to the sewerage system in the developed area to the north, all flow would need to be directed to a sewerage pumping station (SPS) in Trinity Place. Although there is another sewage pump station nearby, the configuration of the sewer system means that all flow would have to pass through the SPS in Trinity Place.

The Trinity Place SPS is already over capacity. It is sized for 260 Equivalent Tenements (ETs) but currently serves 330 ETs. From the information we have, the 330ETs are already connected to the SPS and the total does not include additional lots from the subject land or Council's re-development of Sharpes Beach Car Park.

The current sewerage "load" requires immediate work and upgrading.

This is a decision for council. SPS sizing is dependent on theoretical peak loads expected to occur during wet weather. Because these include unknown variables such as pipe defects and illegal storm water connections, the true peak load can vary from the theoretical load. Intrapac Skennars Head Pty Ltd's preliminary discussions with Council indicated that this system was under strain and that some augmentation works were required in the network to assist in relieving the peak loads.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@bnrfs.com.au | 19

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 - 505 North Creek Road, Skennars Head

The current sewerage "load" of Skennars Head including the approved re-development of Sharpes Beach Car Park by Council (which requires, as a Development Condition, an adequate sewer connection for the indeterminate number of users of the proposed amenities block) needs an immediate new rising main and pump station(s) to the Lennox Head STP.

From what I can tell in the absence of any new sewer infrastructure the car park amenities would need to be connected to the Trinity Place catchment. Council may argue that its contribution is insignificant (maybe 2-3 ETs), however because council has stated that Trinity Place cannot accept any further flows, a new SPS and rising main would be required.

It is clearly evident that any newly proposed development on the subject land and the Council development for the Sharpes Beach Car Park is well in excess of the current sewerage infrastructure.

If considered on its own, the car park infrastructure would be far smaller but would still require pumps (probably a package station like a pressure unit) and a pressure main.

The works required to bring the existing Sewerage Infrastructure (excluding any new load created by the demand of the subject land and Sharpes Beach Car Park) up to current standards involves significant work.

Providing an accurate cost estimate with the information we have at hand is very difficult, however, as we know the station currently needs to be upgraded from 260ET to 330 ET. A reasonable conclusion would be that the SPS would need to be upgraded to 330 ETs to cater for existing connections.

Our preliminary estimate is that it would be similar or slightly more than the cost of the SPS and rising main at the subject land because this would include a new SPS, removal or reconfiguring the existing wet well and replacing the new rising main. Constructing a pump station in an established area could incur additional construction costs through things like the need to relocate services, rebuild existing roads or even the need to stabilise nearby buildings.

These works will be incorporated into the proposed sewer works as part of the Subdivision Development for the subject land.

Intrapac can carry out these works on behalf of Council but request Council to consider these works in lieu of the Contributions to be paid at the time of issue of the Subdivision.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nrm.com.au 120

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

The portion of the overall cost due solely to the development of the subject land is illustrated below:

Load	
Council ETs (Equivalent Tenements):	110 (330 less the 220 capacity)
Council EPs (Equivalent Persons):	352 (110 ETs x 3.2 EPs/ETs)
Subject Land:	1,390 EPs
Total:	1,742 EPs
Contributions:	
Council:	352/1,742 = 20% (This is the share of cost that Council is currently required to spend to accommodate the existing load).
Subject Land:	1,390/1,742 = 80% (This is the share of cost that Intrapac Skennars Head Pty Ltd is required to spend to upgrade the existing sewerage infrastructure to provide for the development proposed in this Development Application).
Total Sewer Pump Station Cost Estimate (Of Upgrade Required for Existing EPs & Provision for Proposed Eps Subject of this Development Application)	
45 Litres/Second	\$750-\$800k

Intrapac Skennars Head Pty Ltd are proposing the works to upgrade the Sewer Pump Station to satisfy the current 330 ET's from the Headlands Estate as works in kind, where Section 2.12 of the Ballina Shire Council Wastewater Development Services Plan, implemented 1 July, 2015, describes:

2.12 Works in Kind

"Works in kind" involves the construction or provision of infrastructure that has been identified in a works schedule contained in the Development Services Plan, in lieu of full or part payment of a contribution relating to that section of the plan.

The decision to accept "works in kind" contributions will be at the discretion of Council. Factors that Council will take into consideration include:

- The extent to which the "works in kind" satisfies an item identified on the works program;
- Whether the payment of the contribution in accordance with the provisions of the DSP is unreasonable or unnecessary in the circumstances of the case;
- Whether the "works in kind" contribution will prejudice the timing or manner of the provision of the services for which the contribution is required; and
- The value of the "works in kind".

4. Wastewater Infrastructure

*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

This plan levies developer charges towards the cost of providing wastewater infrastructure to service new development. This infrastructure includes the value of both existing and future assets serving a new development area.

Works covered by this DSP include, but are not limited to:

- *Existing Distribution and Trunk Mains;*
- *Existing Wastewater Pumping Stations;*
- *Existing Wastewater Treatment Works;*
- *Proposed Trunk Infrastructure; and*
- *Recycled Water Infrastructure.*

The existing and proposed wastewater trunk infrastructure serving the area covered by this DSP is shown in a spatial format as Area B (South) – Figure 4.

While the Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure 2015, identifies specific works under that Plan, for which contributions can be levied for under S64 of the Environmental Planning and Assessment Act 1979, (as Amended), these works are not included in that Plan.

It is estimated that at least 20% of the costs of the new SPS is attributable to the required upgrade at the time of making this application.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@nris.com.au | 22

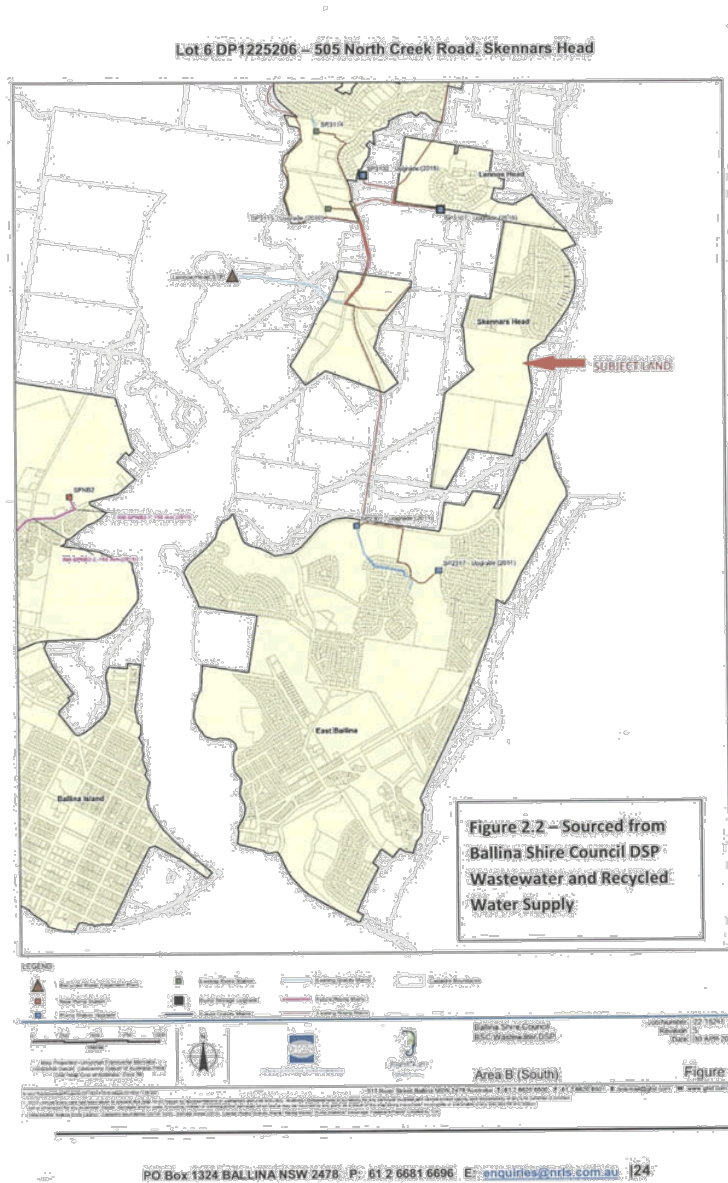
*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

Table 1.4.5 – Contributions Under the Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply

Applicable Contributions Under the Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure 2015				
Applicable Contributions (Residential Lots Only)	Ballina Shire Council - Contribution Rate Per Lot (\$)	Works in Kind AND/OR Provision of Land in Lieu of Contributions	Provision of Land & Elements of Embellishment Proposed in the Development	Compliance with the Ballina Shire Council Development Servicing Plan for Wastewater and Recycled Water Supply
Skennars Head Wastewater Services (DSP Area B)	\$4,929.00	Works to improve and upgrade the existing sewerage infrastructure in Area B (South) are required now. The existing Trinity Place Sewer Pump Station is currently over capacity. It is designed and sized for only 260 Equivalent Tenements (ETs), but currently serves 330 ETs.	Construction of a new larger sewer pump station to accommodate flow from Council's existing SP3202 into new Skennars Head SPS to reduce capacity issues in existing network. Council contribution 20% of total station size based on flowrate.	Refer Section 2.12 Works in Kind. Works in kind involves the construction or provision of infrastructure that has been identified in a works schedule contained in the Development Services Plan in lieu of full or part payment of a contribution relating to that section of the plan. The decision to accept works in kind contributions will be at the discretion of Council.
Subtotal Wastewater DSP (\$)	\$4,929.00			

*Skennars Head Stage 1
Infrastructure provision and development contributions*



*Skennars Head Stage 1
Infrastructure provision and development contributions*

Lot 6 DP1225206 – 505 North Creek Road, Skennars Head

1.6. SUMMARY

Intrapac Skennars Head Pty Ltd is proposing to provide significant public reserve land, works and embellishment in the public interest as part of this application. Detailed costings and land valuations are available for consideration as Works in Kind AND/OR Provision of Land in Lieu of Contributions under the provisions of the Ballina Shire Council's Contributions Plans.

PO Box 1324 BALLINA NSW 2478 P: 61 2 6681 6696 E: enquiries@bnris.com.au | 25