



D2.05

Administration of Contributions Received under Contributions Plans Pursuant to Section 94 of the Environmental Planning & Assessment Act 1979, as amended



D2.05 ADMINISTRATION OF THE DEVELOPMENT CONTRIBUTIONS SYSTEM PURSUANT TO DIVISION 6 OF PART 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AS AMENDED

ENVIRONMENT AND PLANNING - INTEGRATED PLANNING

POLICY OBJECTIVE

To identify and implement community infrastructure within Gosford City Council through the Development Contributions System pursuant to Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979, as amended.

PHILOSOPHY

The Environmental Planning and Assessment Act 1979, as amended its Regulations and the Development Contributions Practice Notes - July 2005 require that Council demonstrate public and financial accountability in relation to the development contributions system operated by Council.

The development contributions system operated by Council must have regard to the Development Contributions Practice Notes and Council's adopted plans, strategies and policies to ensure that the contributions are integrated within the overall management framework of Council.

Methodology

To achieve public and financial accountability in relation to the development contributions system of the Environmental Planning and Assessment Act 1979, as amended, Council is required to ensure that the preparation, adoption and implementation of contributions plans and planning agreements entered into are in accordance with the requirements of the Environmental Planning and Assessment Act, its Regulations and Development Contributions Practice Notes - July 2005 prepared by the Department of Planning.

The preparation and administration of the development contributions systems must involve all relevant directorates of Council to provide appropriate staff with the relevant expertise to be a member of the Section 94 Committee of Council.

Section 94 Committee

The composition of the Committee from relevant Directorates within Council is to ensure that they provide a range of expertise necessary to fulfill the objective and philosophy of the policy.

The Committee shall comprise of the following members:

Convenor Manager Integrated Planning or Advisor Landuse Planning (Integrated Planning - Landuse)

Statutory Accountant Corporate Services (Finance)

Secretary Environment and Planning (Senior Administration Officer responsible for Section 94 from Integrated Planning)

Members A representative nominated by each of the Managers responsible for the following:

Environment and Planning

- Integrated Planning
- Landuse Planning
- Flooding Planning
- Transport Planning
- Social Planning
- Corporate Planning

Development

Corporate Services

- Property Services Team

City Services

- Engineering Services
- Open Space and Leisure Services

Community Services Organisational Development

- Community Development

Voting and Quorum

One vote only is allowed from the representative of each of the following core areas:-

- Community Development
- Open Space and Leisure Services
- Engineering Services
- Development
- Landuse Planning
- Flooding Planning
- Social Planning
- Convenor

For a quorum there is to be at least five (5) core voting Committee Members from the above areas.

Committee Responsibilities

The Committee is to meet quarterly and carry out its functions having regard to Vision 2025 (its adopted strategies and objectives), City Management Plan, City Strategy and City's Local Environmental Plans, in order to discharge the following responsibilities:

- A A positive role in identifying community infrastructure required within Gosford City and recommending the preparation of development contributions plans to Council.
- i Identify the areas required for the provision of community infrastructure, the types of development to be carried out within the areas and assess the likely impacts from the development types.
 - ii Identify the various tasks and studies required for each of the contributions plans.
 - iii Estimate the resources required for each task.
 - iv Advise on the availability of resources (or otherwise) within Council to carry out the tasks identified.

- v Provide advice on draft contributions plans prepared within Council or prepared by consultants to ensure they are in accordance with the requirements of the Environmental Planning and Assessment Act 1979, as amended, the Development Contributions Practice Notes - July 2005 and circulars prepared by the Department of Planning.
- B Undertake reviews of the development contributions plans on a regular basis.
- i Carry out quarterly reviews of the contributions rates applicable to the various contributions plans in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
 - ii Carry out reviews of the adopted works program on an annual basis and the timing or thresholds applicable to the provision of the works and make recommendations as to whether the timing or thresholds need to be changed.
 - iii Make decisions on the need and timing of reviews of development contributions plans having regard to the planning horizon and assumptions adopted in the plan and the development take up rate occurring within the plan area.
 - iv Ensure that the rate for land valuations and land acquisitions within the development contributions plans are regularly updated.
- C Recommend programs of works and activities for the application of Developer Contributions having regard to the adopted Contributions Plans work programs and timing or thresholds within the contributions plans to be included in the Council's annual capital works budget.
- i Prepare a budget estimate for each year to be considered by Council in its overall budget preparation.
 - ii Recommend a program of works having regard to Council's strategy and priorities in respect to each individual area for the coming year based on current development trends, the estimated availability of funds, timing and requests for facilities, including non-specific items relating to on-going development activity.
 - iii Prepare a report on the expenditure of all funds in relation to the approved program of works for the year and the completion of the work.
- D Review of proposed planning agreements prior to adoption by Council to determine the implications of these on the contributions plans and the adopted works program within the plans.
- E Ensure that there is public and financial accountability in respect to the development contributions system operated by Council.
- F Ensure that the development contributions system is integrated within the overall management and financial framework of Council.
- G Monitor development and trends through development consents, contributions, payments, credits, offsets and planning agreements.
- H Delegation.
- I The General Manager under delegated authority or his delegate is to approve any proposed works recommended by the Committee that is outside the adopted Council annual capital works budget.

(Min No 335/1993 - 23 March 1993)
 (Min No 651/1996 - 27 August 1996 - Review of Policies)
 (Min No 239/2000 - 26 October 2000 - Review of Policies - no changes)
 (Min No 214/2005 - 8 March 2005 - Review of Policies)
 (Min No 2007/311 - 5 June 2007)
 (Min No 311/2009 - 5 May 2009 - Review of Policies)