

SHOALHAVEN CITY COUNCIL
PLANNING SERVICES DIVISION



CONTRIBUTIONS PLAN - AMENDMENT NO. 30

Project: : 01 OREC 0001
File Number : 95/2271
Public Exhibition From : Thursday 14 December 1995
To : Thursday 11 January 1996
Adopted : Tuesday 19 March 1996
Effective From : Wednesday 27 March 1996

1.1 INTRODUCTION/BACKGROUND

In reporting Contributions Plan Amendment No. 2 (relating to Judith Drive, North Nowra) it was identified that anomalies appeared to exist between contribution rates and acquisition costs in relation to passive open space. Council at that time resolved to review the passive open space plan for North Nowra.

The original Contributions Plan assumed that acquisition for passive open space would involve serviced land. Acquisition valuations were accordingly obtained and discounted. However, in practice, with a view to linking ecologically sensitive areas (eg adjacent to creek systems, etc), the passive open space is now being acquired along creek systems and includes areas of floodway and some flood prone lands.

While such land may not be appropriate for active open space, they probably form the more desirable areas for passive open space activities, linked with natural area preservation management. The actual values of the lands acquired, therefore, are subsequently much lower than that originally envisaged.

With a view to obtaining a more realistic figure, areas of North Nowra identified for passive open space have been revalued and the implications of the reduced potential residential area of State land off Illaroo Road have also been assessed.

2. PURPOSE OF THE PLAN (Cl.26(1)(a)EP&A Regs.1994)

The purpose (aim) of the plan is to fund the costs associated with the provision of passive open space at north Nowra by way of a levy on new (future) development of land within the benefit area.

3. LAND TO WHICH THE PLAN APPLIES (Cl.26(1)(b)EP&A Regs.1994)

The plan applies to land within the urban area of north Nowra which is shown hatched and bounded by a thick black line on the benefit area map relating to project 01 OREC 0001 (attachment No. 1).

The area may be generally described as that land at north Nowra zoned for urban purposes and generally contained north of the Shoalhaven River, west of Bomaderry Creek, allotments fronting West Cambewarra Road, land situated south of Illaroo Road, westward, and the land on the eastern side of Bangalee Road. The Plan applies to lands zoned 2(a2) and 2(a3) located south of Illaroo Road and to areas east of the transmission line and zoned 2(c) residential adjacent to Pitt Street and land situated east of Rock Hill Road (see attachment No. 1).

4. **RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND - JUSTIFICATION/NEXUS** ((CI 26(1)(c)EP&A Regs 1994)

While the City of Shoalhaven is well endowed with passive open space land, the majority of this land is bushland, land for environmental protection and inaccessible beach foreshore.

Shoalhaven suffers two problems: abundant open space which is under-utilised, principally due to poor accessibility and lack of facilities; and the other problem is the lack of open space inside some residential areas which are infilling etc - that is, accessible to the immediate residents.

Council has identified the importance and usage of passive areas as a high priority in Shoalhaven for both existing residents and for people who intend to move to the area. Except for a few foreshore areas, Council has identified the local open space in the developing residential areas and has identified them in this plan.

Council has investigated the potential for development in the area and the population characteristics etc to arrive at estimations of open space requirements. In its residential planning, Council has also identified the linking of open space and identified some areas which would require acquisition.

Existing Situation

Under current zoning and existing policies of both Council and the Department of Land and Water Conservation, it is estimated that north Nowra contains 2,546 existing lot/dwellings with a potential of an additional 752 lots. That is, a capacity at north Nowra of 3,298 lot/dwellings.

Investigation has shown that there is a total of approximately 122.45 ha of public open space located in the north Nowra area. This public open space may be categorised in the following manner:

local neighbourhood parks	29.331 ha
North Nowra Golf Course	25.832ha
Escarpment & river foreshore protection (enviro attribute)	51.225ha
Bomaderry Creek Embankment Protection (enviro attribute)	16.0608ha
Total	122.45ha

The most significant category in relation to the Section 94 Contributions Plan is the "Local Neighbourhood Parks" category because it is these parks which are most frequently used by the majority of north Nowra residents in their passive recreational pursuits. In this regard, it may be seen that the current level of provision is considered adequate, ie 38.8m²/person.

The Contributions Plan provides, therefore, that only future development is levied for passive open space provision. Prior to the adoption of Contributions Plan 1993, Council required developers to contribute for public open space at a rate of 2.48ha/1,000 persons (or 2,408m²/person). This figure was designed to provide for both active (sporting) and passive (local parkland) components of the provision. However, the current Contributions Plan separates the public open space contribution into two components - passive and active.

Based on Court precedent, it was decided that a rate of twelve (12) square metres per person was a reasonable figure for the passive open space contribution.

5. FORMULA USED TO DETERMINE CONTRIBUTION (CI 26(1)(d)EP&A Regs 1994)

The Contributions Plan provides that, because current provision is adequate, only future development will be required to contribute to the passive open space need generated as a consequence.

As mentioned above, the rate of future requirement is based on the provision of twelve (12) square metres per person. In this regard, the future open space requirement may be calculated as follows:

$$\begin{aligned}\text{Future Passive Open} & \quad \text{occupancy} \\ \text{Space Requirement} & = \text{No. potential lots} \times \text{rate} \times 12\text{m}^2 \\ & = 752 \times 2.97 \times 12 = 26,801\text{m}^2\end{aligned}$$

The contribution rate, therefore, is calculated by dividing the cost to Council of the future passive open space by the number of lots generating the need for, and benefitting from, such passive open space. That is:

$$\text{contribution rate} = \frac{\text{cost to Council of passive open space}}{\text{no. potential new lots}}$$

6. CONTRIBUTION RATE (CI.26(1)(e)EP&A Regs.1994)

In this regard, a contribution rate of \$134.46 per lot/dwelling has been calculated in the following manner:

$$\text{Contribution Rate} = \$101,114 \div 752 = \$134.46 \text{ (see table - attachment No. 2).}$$

7. **TIMING OF CONTRIBUTION PAYMENT AND CONDITIONS ALLOWING DEFERRED OR PERIODIC PAYMENT** (Cl.26(1)(f)EP&A Regs.1994)

The method of payment for residential development will be by way of a contribution per lot on release of the linen plan where subdivision is involved.

Where construction is involved, payment will be made prior to the release of building permit.

Council may consider requests for deferment of conditions requiring monetary contributions made under section 94 of the Environmental Planning & Assessment Act 1979, provided the following criteria is met:

- (a) The section 94 contributions do not relate to the provision of facilities or services that, if not provided with the development, could threaten public safety and/or health.
- (b) The maximum deferral period would be two (2) years from the date of the issue of building permit, release of linen plans or endorsement date of the development approval (whichever is applicable).
- (c) If such conditions are deferred, the applicant will be required to provide the following:
 - bank guarantee for the amount of the section 94 contribution, plus a penalty interest rate apportioned over the period of the bank guarantee
 - minor administration fee.

Deferred or periodic payment will be subject to the approval of the Assistant General Manager, after considering the circumstances of the case.

8. **WORKS SCHEDULE OF PUBLIC FACILITY/WORKS TO BE PROVIDED** (Cl.26(1)(g)EP&A Regs.1994)

The Contributions Plan has identified certain lands to be acquired for the provision of passive open space within the north Nowra area and an estimate of the market value of these lands has been carried out by Council's Valuation Consultants. The lands identified in this Plan may be described as:

Part Lot 1, DP 851349	=	1,515m ²	(See map - attachment No. 3)
Lot 2, DP 851349	=	2,377m ²	(See map - attachment No. 3)
Part Por 118 Ph Bunberra	=	10,704m ²	(See map - attachment No. 4)
Part Por 119 Ph Bunberra	=	<u>12,205m²</u>	(See map - attachment No. 5)
Total Future Requirement		26,801m²	

The cost of these areas to Council has been estimated as follows:

Pt Lot 1 DP 851349	=	1,515m ²	=	\$10,514	(\$6.94/m ²)
Lot 2 DP 851349	=	2,377m ²	=	- NIL	(dedicated)
Pt Por 118 Ph Bunberra	=	10,704m ²	=	\$48,000	(\$4.48/m ²)
Pt Por 119 Ph Bunberra	=	<u>12,205m²</u>	=	<u>\$42,600</u>	<u>(\$3.49/m²)</u>
Future Requirement		26,801m²		\$101,114.00	

9. **TIMING** (Cl 26(1)(g)EP&A Regs.1994)

It is not possible to set a program for dedication or for the acquisition/provision of passive open space at North Nowra based on accurate dates. However, it is intended to acquire the land at a time when substantial subdivision in the north Nowra area occurs. This is because it is the time when the major demand for passive open space occurs.

APPENDIX
SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN - AREA 1
FACILITY : ROADS

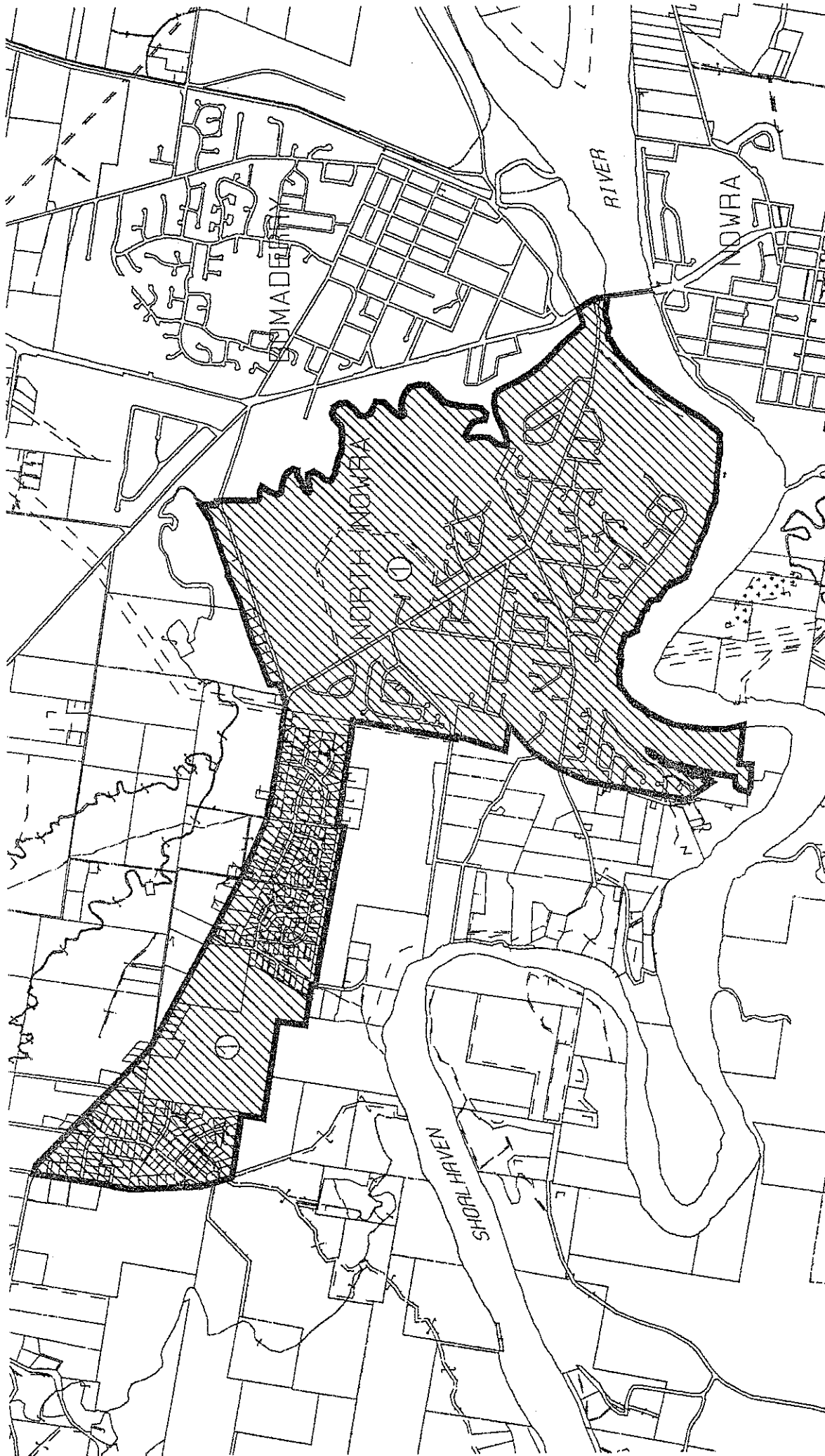
1. Locality: North Nowra
2. Project: Passive Open Space
3. Project No: 01 OREC 0001
4. Total Cost: \$101,114
5. Cost Apportionment

Benefit Area North Nowra Urban	Potential Future Lots	Potential Population at 2.97 pers/dwls	Area Required at 12m ² per person	Cost per Benefit Area \$	Cost per lot/dwlg \$
1	752	2,233	26,801	101,114	134.46

Cl.26(1)(e) EP&A Regs. 1994
Draft Amendment No. 30
File No: 95/2271
Public Exhibition From: 14 December 1995
To: 11 January 1996
Adopted: 19 March 1996
Effective from: 27 March 1996

1996 = \$134.46/E.T.
1997 = \$133.87/E.T.
1998 = \$135.75/E.T.

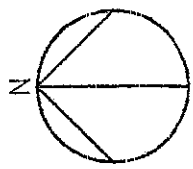
Amended
13.1.96
9277



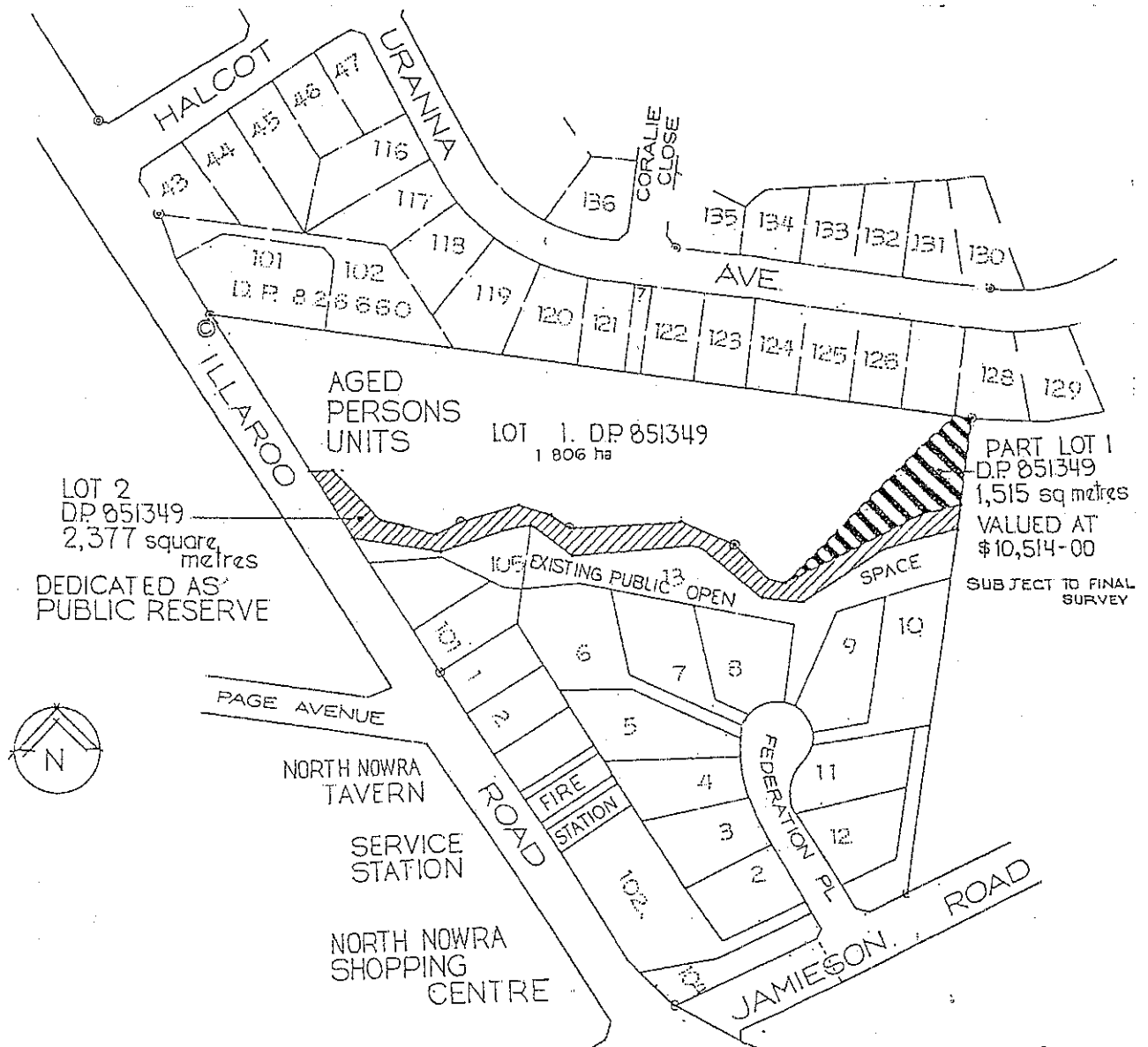
**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO.30**

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION NORTH NOWRA
PROJECT: BENEFIT AREA

ATTACHMENT NO.1



PROJECT No:
01 OREC 0001

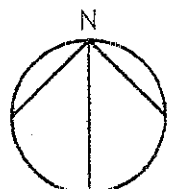


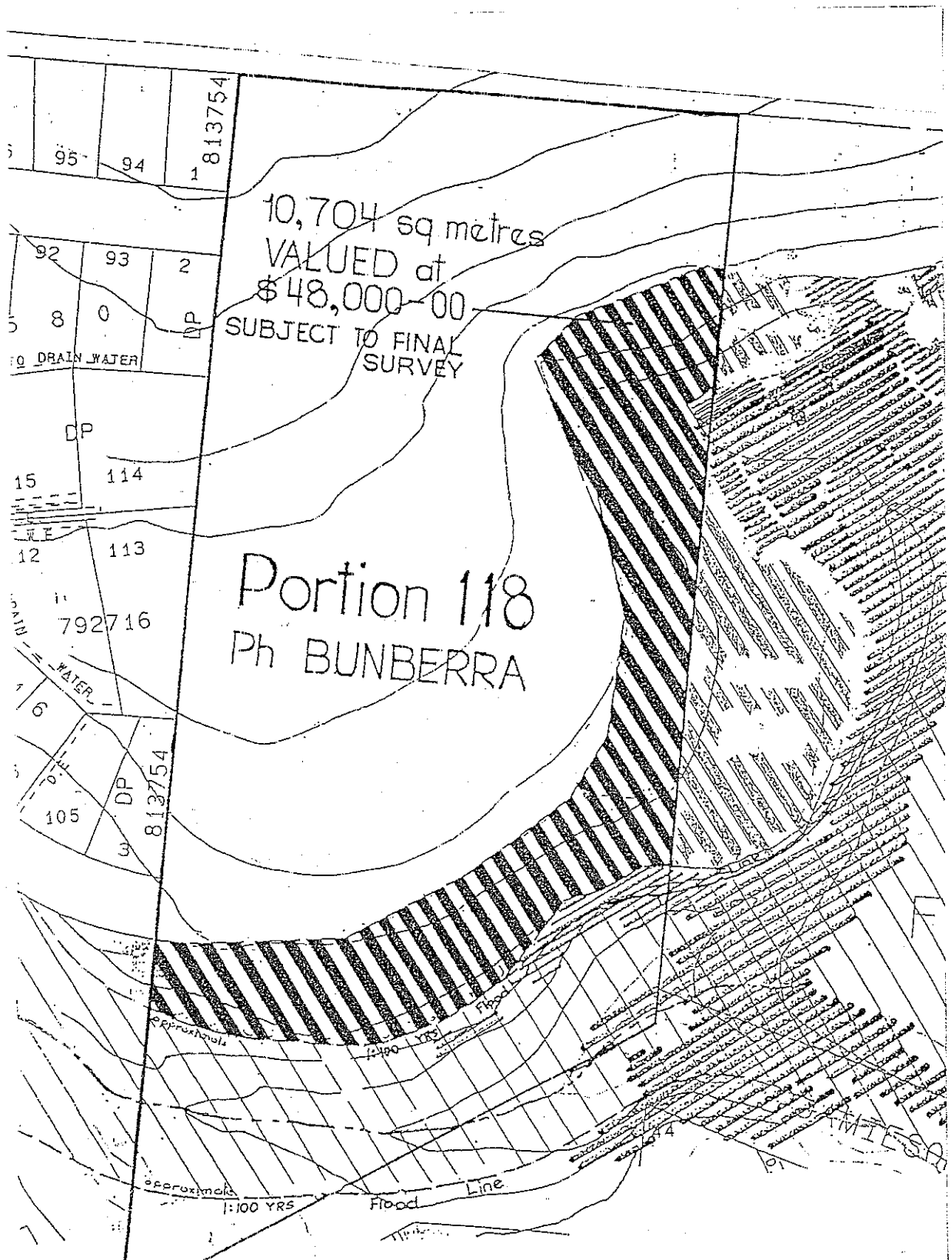
**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO. 30**

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION
PROJECT: BENEFIT AREA

ATTACHMENT 3

PROJECT No:
01 OREC 0001



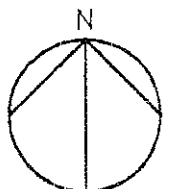


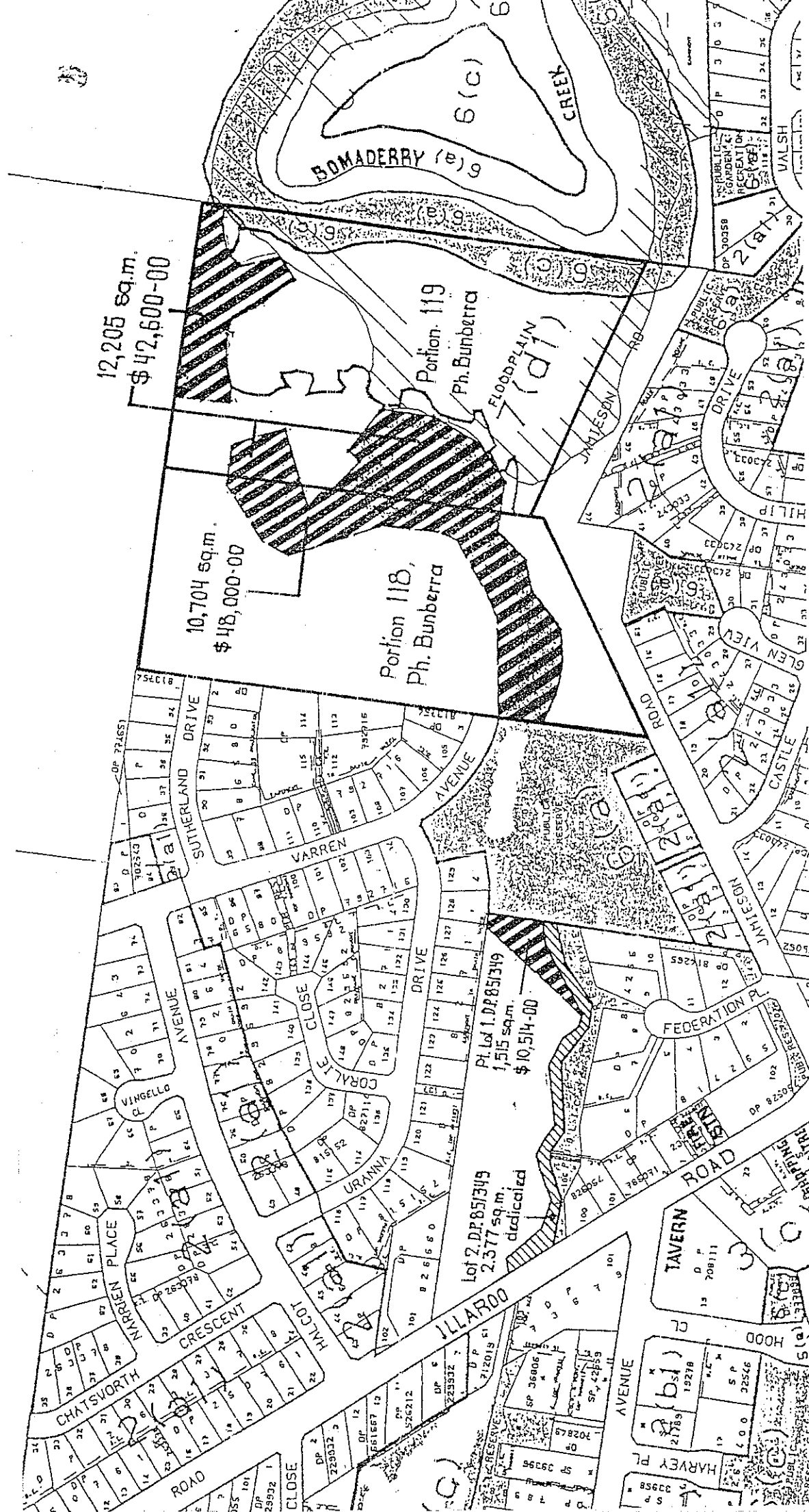
**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO.30**

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION
PROJECT: BENEFIT AREA

ATTACHMENT 4

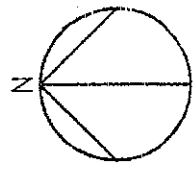
PROJECT No:
01 OREC 0001



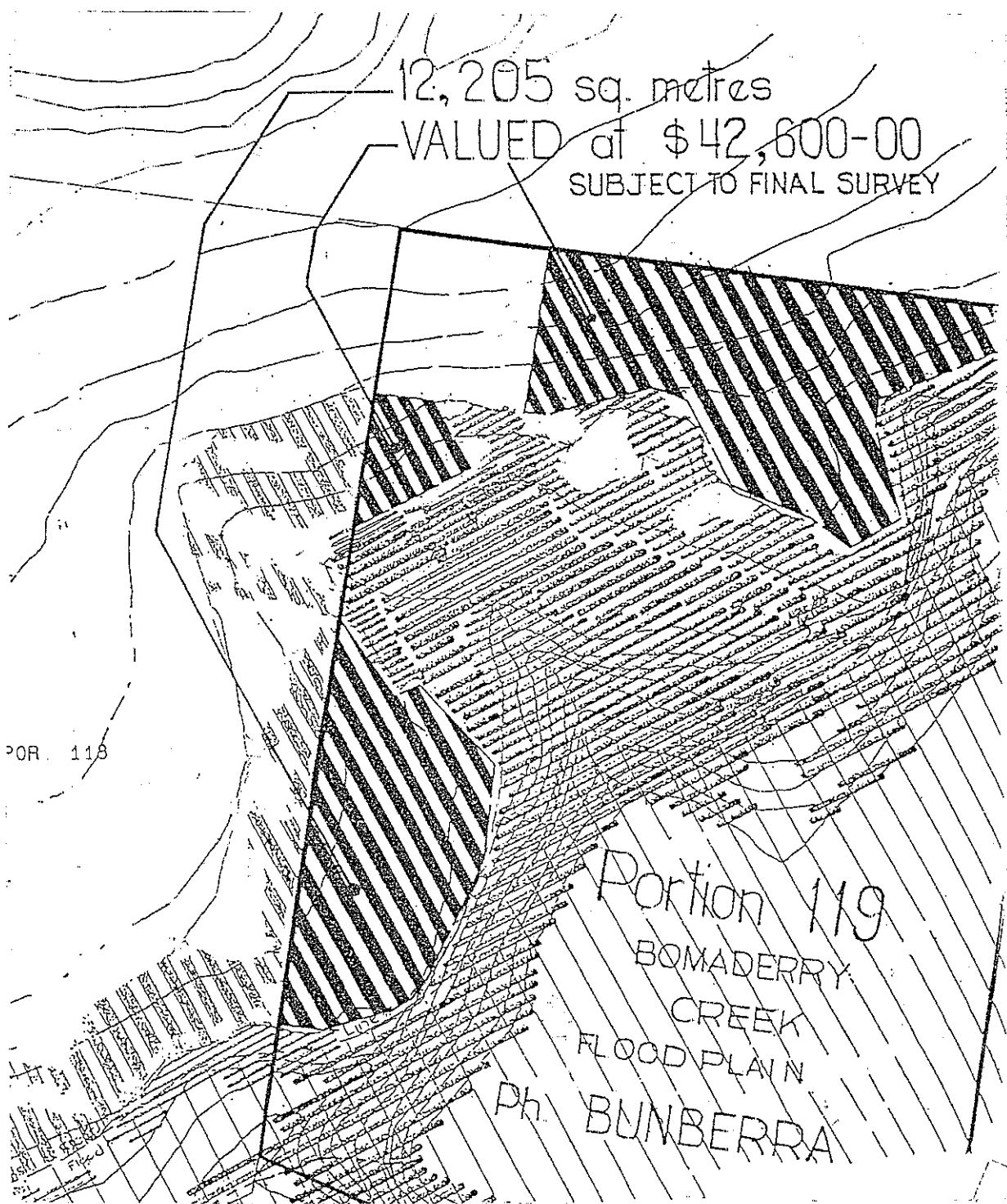


SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO.30
FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION NORTH NOWRA
PROJECT: BENEFIT AREA

ATTACHMENT NO.6



PROJECT No:
01 OREC 0001

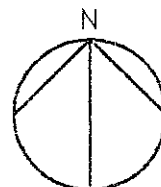


SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO. 30

ATTACHMENT 5

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION
PROJECT: BENEFIT AREA

PROJECT No:
01 OREC 0001



SHOALHAVEN CITY COUNCIL
PLANNING SERVICES DIVISION



CONTRIBUTIONS PLAN - AMENDMENT NO. 30

Project: : **01 OREC 0001**
File Number : **95/2271**
Public Exhibition From : **Thursday 14 December 1995**
To : **Thursday 11 January 1996**
Adopted : **Tuesday 19 March 1996**
Effective From : **Wednesday 27 March 1996**

1.1 INTRODUCTION/BACKGROUND

In reporting Contributions Plan Amendment No. 2 (relating to Judith Drive, North Nowra) it was identified that anomalies appeared to exist between contribution rates and acquisition costs in relation to passive open space. Council at that time resolved to review the passive open space plan for North Nowra.

The original Contributions Plan assumed that acquisition for passive open space would involve serviced land. Acquisition valuations were accordingly obtained and discounted. However, in practice, with a view to linking ecologically sensitive areas (eg adjacent to creek systems, etc), the passive open space is now being acquired along creek systems and includes areas of floodway and some flood prone lands.

While such land may not be appropriate for active open space, they probably form the more desirable areas for passive open space activities, linked with natural area preservation management. The actual values of the lands acquired, therefore, are subsequently much lower than that originally envisaged.

With a view to obtaining a more realistic figure, areas of North Nowra identified for passive open space have been revalued and the implications of the reduced potential residential area of State land off Illaroo Road have also been assessed.

2. PURPOSE OF THE PLAN (Cl 26(1)(a)EP&A Regs.1994)

The purpose (aim) of the plan is to fund the costs associated with the provision of passive open space at north Nowra by way of a levy on new (future) development of land within the benefit area.

3. LAND TO WHICH THE PLAN APPLIES (Cl 26(1)(b)EP&A Regs.1994)

The plan applies to land within the urban area of north Nowra which is shown hatched and bounded by a thick black line on the benefit area map relating to project 01 OREC 0001 (attachment No. 1).

The area may be generally described as that land at north Nowra zoned for urban purposes and generally contained north of the Shoalhaven River, west of Bomaderry Creek, allotments fronting West Cambewarra Road, land situated south of Illaroo Road, westward, and the land on the eastern side of Bangalee Road. The Plan applies to lands zoned 2(a2) and 2(a3) located south of Illaroo Road and to areas east of the transmission line and zoned 2(c) residential adjacent to Pitt Street and land situated east of Rock Hill Road (see attachment No. 1).

4. RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND - JUSTIFICATION/NEXUS (CI.26(1)(c)EP&A Regs.1994)

While the City of Shoalhaven is well endowed with passive open space land, the majority of this land is bushland, land for environmental protection and inaccessible beach foreshore.

Shoalhaven suffers two problems: abundant open space which is under-utilised, principally due to poor accessibility and lack of facilities; and the other problem is the lack of open space inside some residential areas which are infilling etc - that is, accessible to the immediate residents.

Council has identified the importance and usage of passive areas as a high priority in Shoalhaven for both existing residents and for people who intend to move to the area. Except for a few foreshore areas, Council has identified the local open space in the developing residential areas and has identified them in this plan.

Council has investigated the potential for development in the area and the population characteristics etc to arrive at estimations of open space requirements. In its residential planning, Council has also identified the linking of open space and identified some areas which would require acquisition \

Existing Situation

Under current zoning and existing policies of both Council and the Department of Land and Water Conservation, it is estimated that north Nowra contains 2,546 existing lot/dwellings with a potential of an additional 752 lots. That is, a capacity at north Nowra of 3,298 lot/dwellings.

Investigation has shown that there is a total of approximately 122.45 ha of public open space located in the north Nowra area. This public open space may be categorised in the following manner:

local neighbourhood parks	29.331 ha
North Nowra Golf Course	25.832ha
Escarpment & river foreshore protection (enviro attribute)	51.225ha
Bomaderry Creek Embankment Protection (enviro attribute)	16.0608ha
Total	122.45ha

The most significant category in relation to the Section 94 Contributions Plan is the "Local Neighbourhood Parks" category because it is these parks which are most frequently used by the majority of north Nowra residents in their passive recreational pursuits. In this regard, it may be seen that the current level of provision is considered adequate, ie 38.8m²/person.

The Contributions Plan provides, therefore, that only future development is levied for passive open space provision. Prior to the adoption of Contributions Plan 1993, Council required developers to contribute for public open space at a rate of 2.48ha/1,000 persons (or 2,408m²/person). This figure was designed to provide for both active (sporting) and passive (local parkland) components of the provision. However, the current Contributions Plan separates the public open space contribution into two components - passive and active.

Based on Court precedent, it was decided that a rate of twelve (12) square metres per person was a reasonable figure for the passive open space contribution.

5. **FORMULA USED TO DETERMINE CONTRIBUTION** (Cl.26(1)(d)EP&A Regs 1994)

The Contributions Plan provides that, because current provision is adequate, only future development will be required to contribute to the passive open space need generated as a consequence.

As mentioned above, the rate of future requirement is based on the provision of twelve (12) square metres per person. In this regard, the future open space requirement may be calculated as follows:

$$\begin{aligned}\text{Future Passive Open} & \quad \text{occupancy} \\ \text{Space Requirement} & = \text{No. potential lots} \times \text{rate} \times 12\text{m}^2 \\ & = 752 \times 2.97 \times 12 = 26,801\text{m}^2\end{aligned}$$

The contribution rate, therefore, is calculated by dividing the cost to Council of the future passive open space by the number of lots generating the need for, and benefitting from, such passive open space. That is:

$$\text{contribution rate} = \frac{\text{cost to Council of passive open space}}{\text{no. potential new lots}}$$

6. **CONTRIBUTION RATE** (Cl.26(1)(e)EP&A Regs 1994)

In this regard, a contribution rate of \$134.46 per lot/dwelling has been calculated in the following manner:

$$\text{Contribution Rate} = \$101,114 \div 752 = \$134.46 \text{ (see table - attachment No. 2).}$$

7. **TIMING OF CONTRIBUTION PAYMENT AND CONDITIONS ALLOWING DEFERRED OR PERIODIC PAYMENT** (Cl.26(1)(f)EP&A Regs.1994)

The method of payment for residential development will be by way of a contribution per lot on release of the linen plan where subdivision is involved.

Where construction is involved, payment will be made prior to the release of building permit.

Council may consider requests for deferment of conditions requiring monetary contributions made under section 94 of the Environmental Planning & Assessment Act 1979, provided the following criteria is met:

- (a) The section 94 contributions do not relate to the provision of facilities or services that, if not provided with the development, could threaten public safety and/or health.
- (b) The maximum deferral period would be two (2) years from the date of the issue of building permit, release of linen plans or endorsement date of the development approval (whichever is applicable).
- (c) If such conditions are deferred, the applicant will be required to provide the following:

- bank guarantee for the amount of the section 94 contribution, plus a penalty interest rate apportioned over the period of the bank guarantee
 - minor administration fee.

Deferred or periodic payment will be subject to the approval of the Assistant General Manager, after considering the circumstances of the case.

8. **WORKS SCHEDULE OF PUBLIC FACILITY/WORKS TO BE PROVIDED** (Cl.26(1)(g)EP&A Regs.1994)

The Contributions Plan has identified certain lands to be acquired for the provision of passive open space within the north Nowra area and an estimate of the market value of these lands has been carried out by Council's Valuation Consultants. The lands identified in this Plan may be described as:

Part Lot 1, DP 851349 =	1,515m ²	(See map - attachment No. 3)
Lot 2, DP 851349 =	2,377m ²	(See map - attachment No. 3)
Part Por 118 Ph Bunberra	10,704m ²	(See map - attachment No. 4)
Part Por 119 Ph Bunberra	12,205m ²	(See map - attachment No. 5)
Total Future Requirement	26,801m²	

The cost of these areas to Council has been estimated as follows:

Pt Lot 1 DP 851349	= 1,515m ²	= \$10,514 (\$6.94/m ²)
Lot 2 DP 851349	= 2,377m ²	= - NIL - (dedicated)
Pt Por 118 Ph Bunberra	= 10,704m ²	= \$48,000 (\$4.48/m ²)
Pt Por 119 Ph Bunberra	= 12,205m ²	= \$42,600 (\$3.49/m ²)
Future Requirement	= 26,801m²	= \$101,114.00

9. **TIMING** (Cl.26(1)(g)EP&A Regs.1994)

It is not possible to set a program for dedication or for the acquisition/provision of passive open space at North Nowra based on accurate dates. However, it is intended to acquire the land at a time when substantial subdivision in the north Nowra area occurs. This is because it is the time when the major demand for passive open space occurs.

APPENDIX
SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN - AREA 1
FACILITY : ROADS

1. Locality: North Nowra
2. Project: Passive Open Space
3. Project No: 01 OREC 0001
4. Total Cost: \$101,114
5. Cost Apportionment

Amended
13.1.99
PM

Benefit Area North Nowra Urban	Potential Future Lots	Potential Population at 2.97 pers/dwls	Area Required at 12m ² per person	Cost per Benefit Area \$	Cost per lot/dwig \$
1	752	2,233	26,801	101,114	134.46

CI.26(1)(e) EP&A Regs. 1994

Draft Amendment No. 30

File No: 95/2271

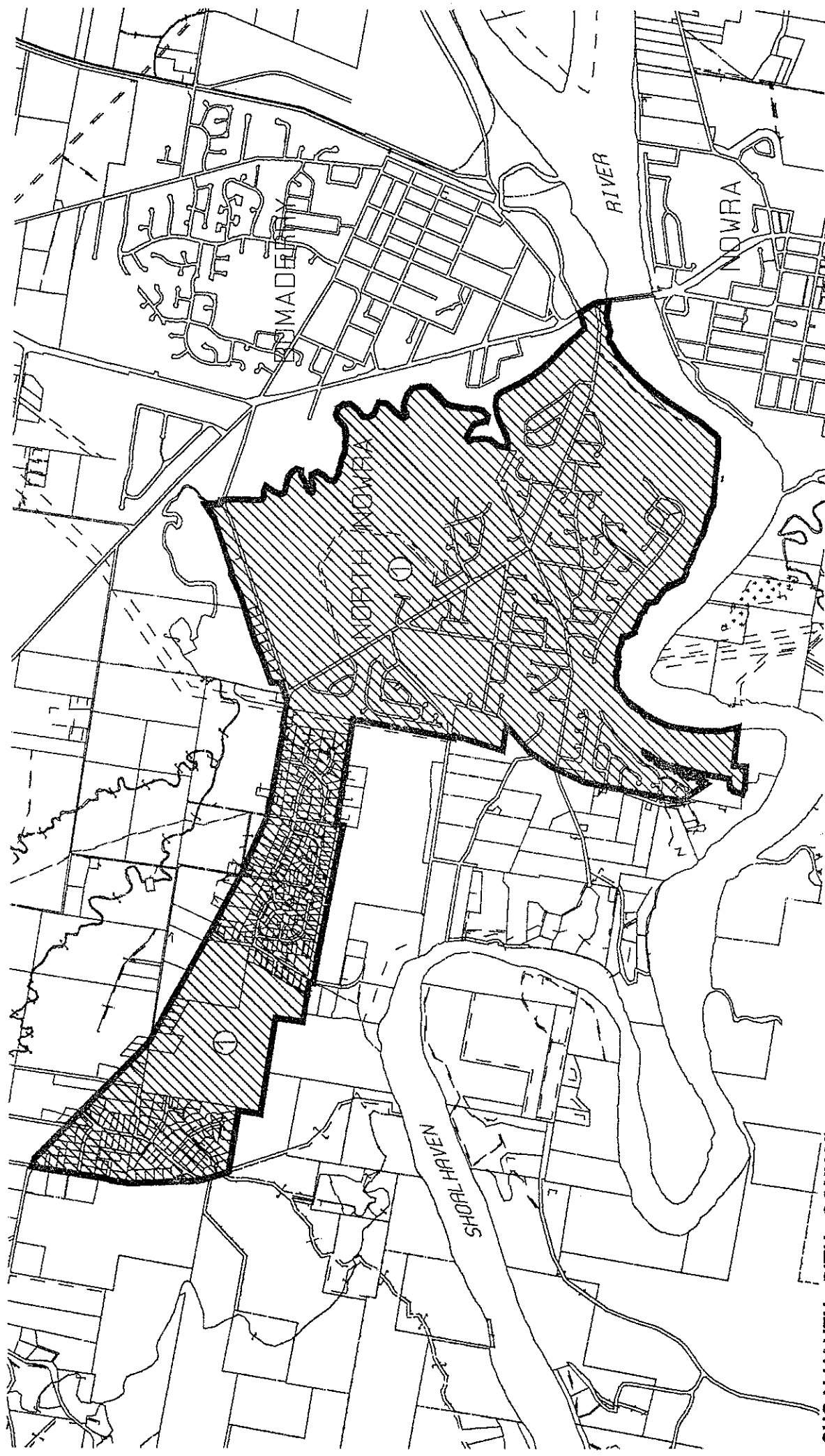
Public Exhibition From: 14 December 1995

To: 11 January 1996

Adopted: 19 March 1996

Effective from: 27 March 1996

1996 = \$134.46/ET.
1997 = \$133.87/ET.
1998 = \$135.75/ET.

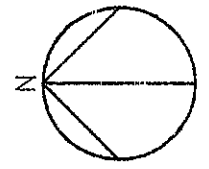


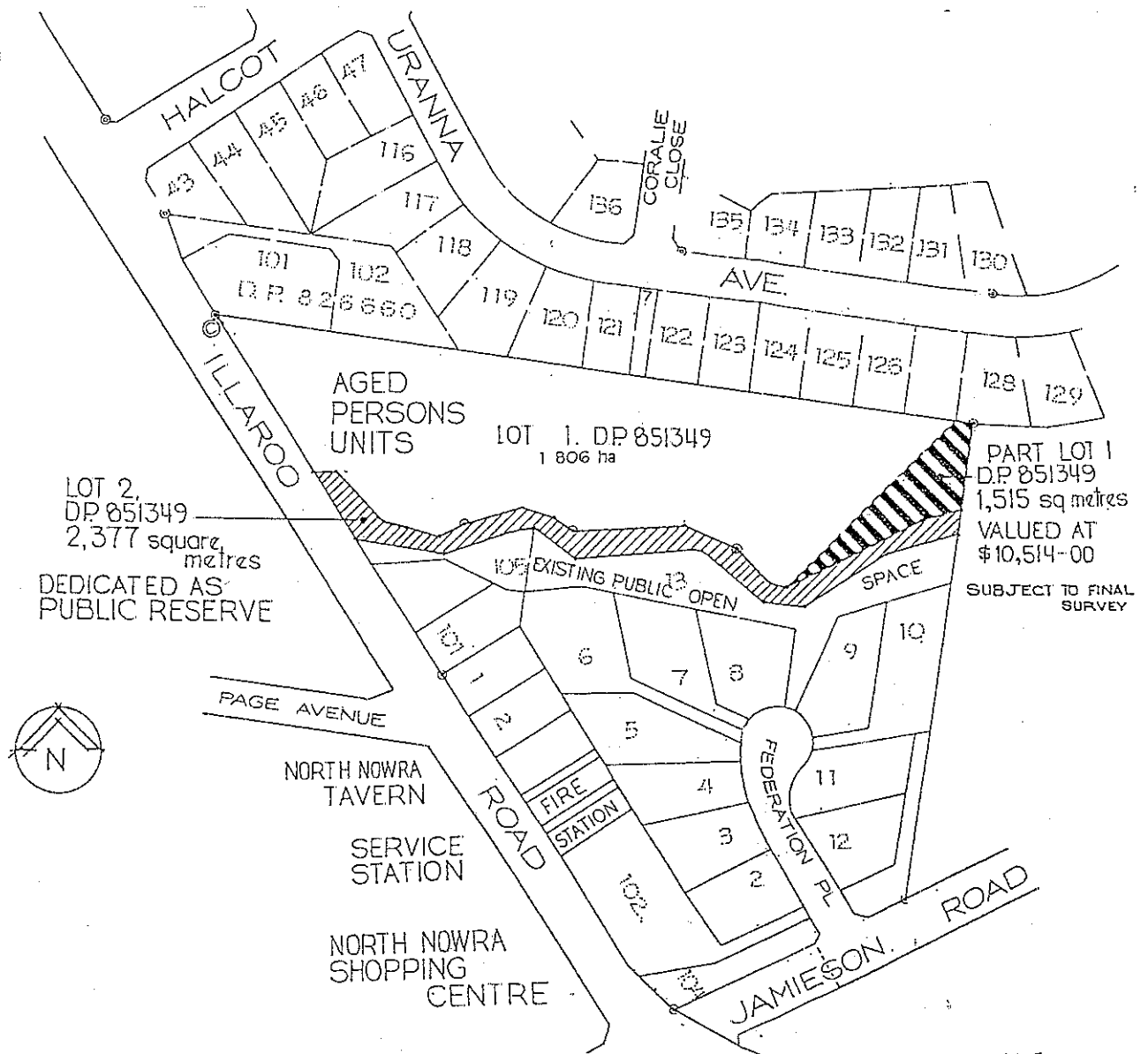
**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO.30**

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION NORTH NOWRA
PROJECT: BENEFIT AREA

ATTACHMENT NO.1

PROJECT No:
01 OREC 0001





SHOALHAVEN CITY COUNCIL CONTRIBUTION PLAN AREA 1 AMENDMENT NO. 30

FILE NO: 95/2271

ADOPTED: 19.3.1996

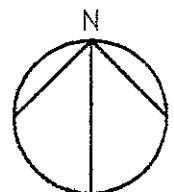
EFFECTIVE FROM: 27.3.1996

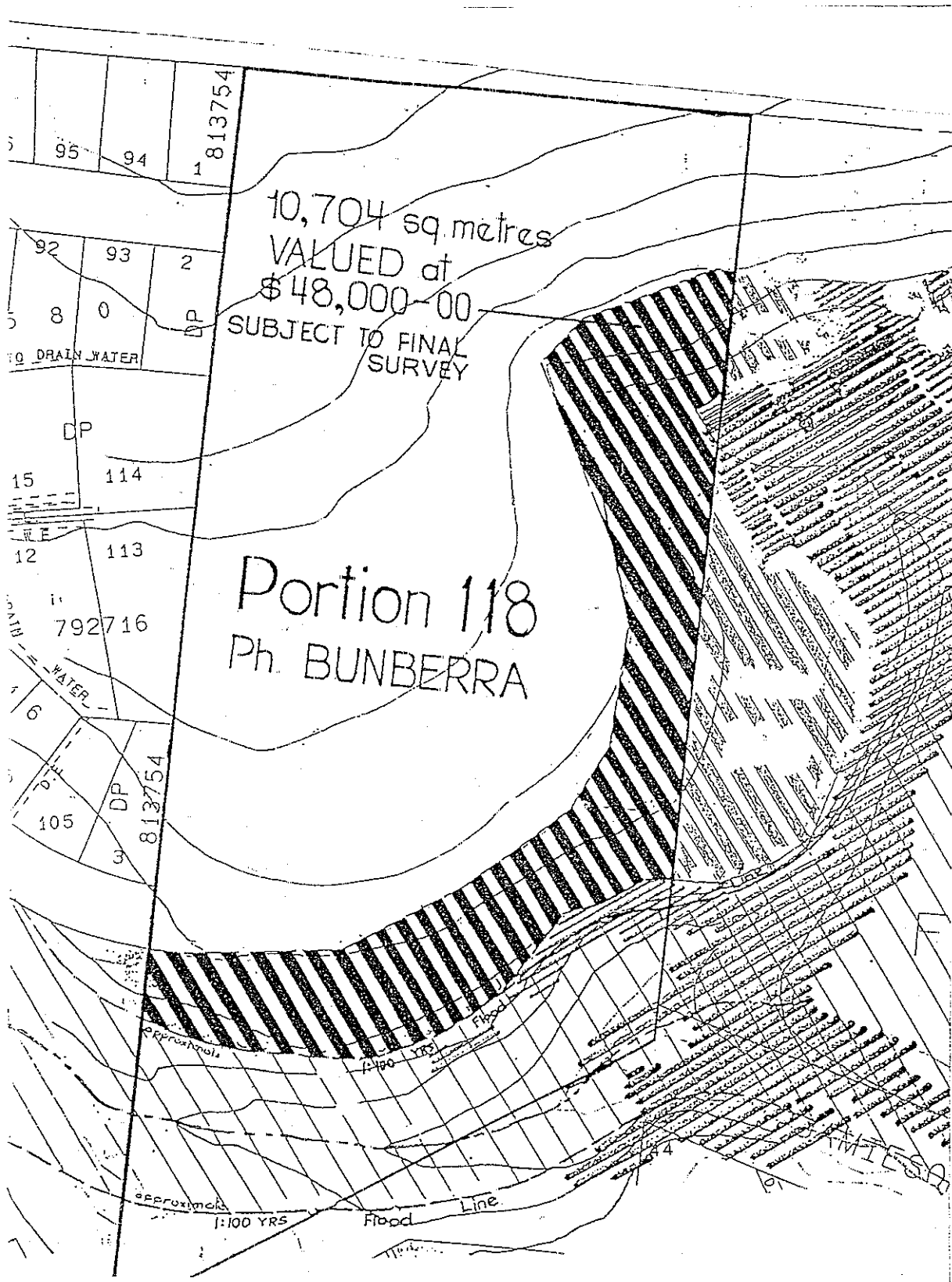
FACILITY: PASSIVE OPEN SPACE PROVISION

PROJECT: BENEFIT AREA

ATTACHMENT 3

PROJECT No:
01 OREC 0001



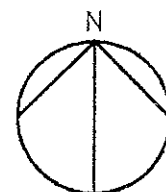


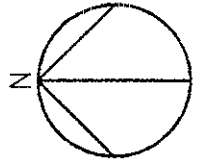
**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO.30**

ATTACHMENT 4

FILE NO: 95/2271
ADOPTED: 19.3.1996
EFFECTIVE FROM: 27.3.1996
FACILITY: PASSIVE OPEN SPACE PROVISION
PROJECT: BENEFIT AREA

PROJECT No:
01 OREC 0001





PROJECT No:

01 OREC 0001

SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN
AMENDMENT NO.30

FILE NO: 95/2271

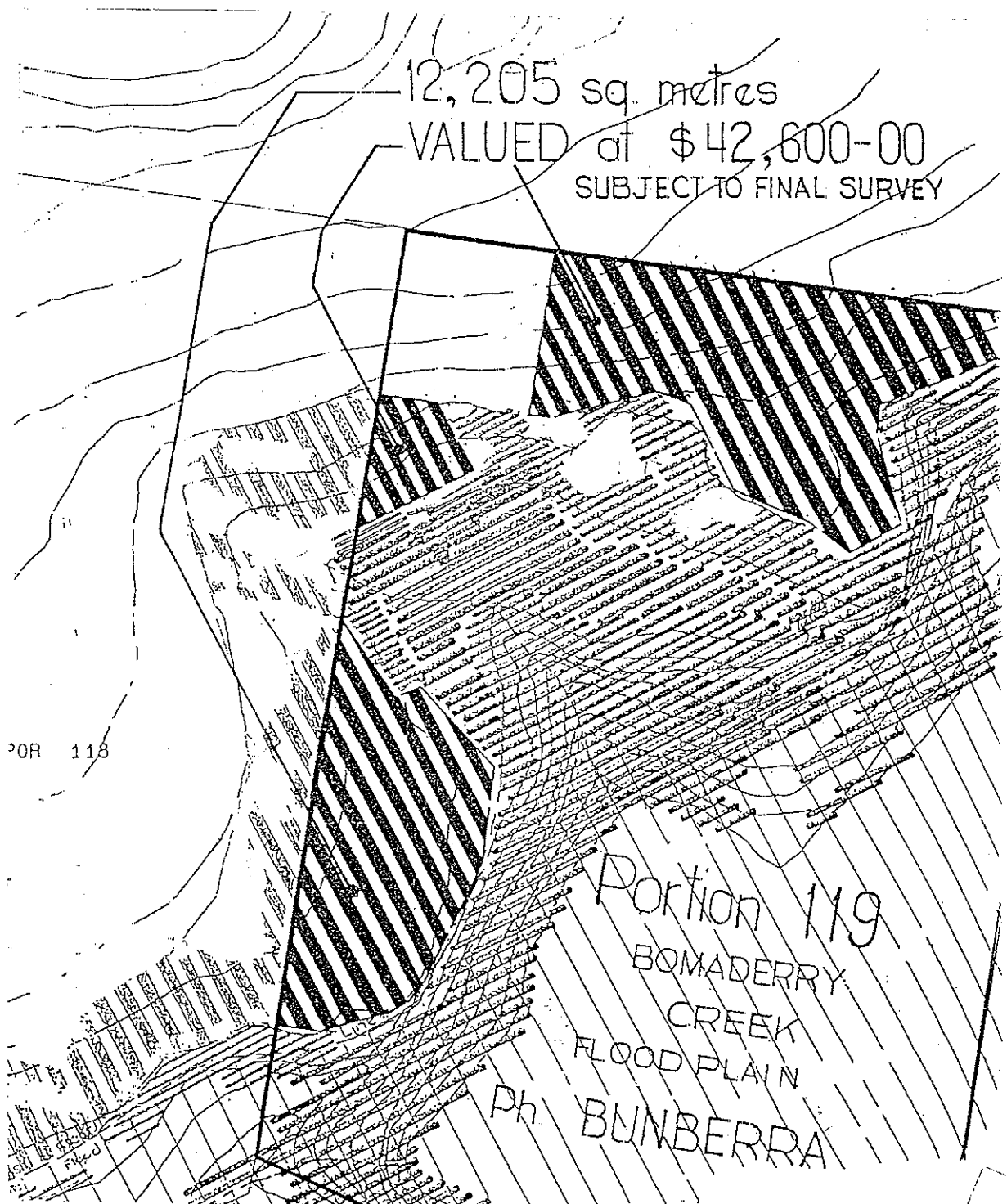
ADOPTED: 19.3.1996

EFFECTIVE FROM: 27.3.1996

FACILITY: PASSIVE OPEN SPACE PROVISION NORTH NOWRA

PROJECT: BENEFIT AREA

DRAWING FILE: SECT34-APEAI (WINDOWS-A1300RI & FA300RID)



**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA I
AMENDMENT NO. 30**

FILE NO: 95/2271

ADOPTED: 19.3.1996

EFFECTIVE FROM: 27.3.1996

FACILITY: PASSIVE OPEN SPACE PROVISION

PROJECT: BENEFIT AREA

ATTACHMENT 5

PROJECT No:
01 OREC 0001

