

Section 94 Contributions Plan, 1993

Amendment No. 54

AREA 1

Passive Open Space, Bomaderry Urban Area

01 OREC 0002

File No. 14284

Exhibited from:	21 October 1999
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Introduction

In the process of assessing an application for the rezoning of certain land in the Bomaderry area, Council has identified the need to amend its Section 94 Contributions Plan in order to take account of the additional residential allotments which will be created as a result of the proposed subdivision of the subject land.

In this regard, Council, on Tuesday 7 September 1999, resolved to "amend Contribution Plan 1993 to cover Lot 2, D P 237607 and the General Manager (Planning Services) be authorised to place a draft plan on public exhibition "

Background

In Council's original Passive Open Space Contributions Plan, it was assumed acquisition would involve only serviced land. Accordingly, the relevant land acquisition values were obtained

In practice, however, Passive Open Space is now being acquired along creek systems, including some flood prone areas, with the view of linking ecologically sensitive lands within urban areas, thus protecting streams from the impact of development and providing urban bushland settings.

Whilst such land may not be suitable for active open space, it probably forms the more desirable spaces for passive activities, linked with natural area preservation management. The actual value of such lands is lower than originally envisaged.

In providing new parks and reserves, Council has made a distinction between "active" and "passive" recreation. Such classifications represent some difficulty in that "active" recreation reflects, essentially, organised sports rather than a level of activity. Nevertheless, Council still considers it important and necessary to maintain areas within the residential district where both passive and informal active recreation can occur.

As Council's policy towards active recreation is implemented, however, the standard and usage of passive open space is being monitored.

Purpose of the Plan (Cl. 26(1)(a)EP& A Regs 1994)

The purpose (aim) of this Plan is to fund the costs associated with the acquisition and provision of land for Passive Open Space by way of a levy on new (future) development of land located within the benefit area associated with such a project.

Land to which the Plan Applies (Cl. 26(1)(b)EP& A Regs 1994)

This Plan applies to land within the urban area of Bomaderry, which is shown hatched and bounded by a thick black line on the Benefit Area Map relating to Project 01 OREC 0002 (see Benefit Area Map on Page 8).

Relationship Between Expected Development and Demand

(Cl.26(1)(c)EP& A Regs. 1999)

Context

Whilst the City of Shoalhaven is well endowed with Passive Open Space land, the majority of this land is rural bushland, land for environmental protection and/or inaccessible beach foreshore. The Shoalhaven suffers from two main problems: abundant open space which is under utilised due to poor access and lack of facilities; and the lack of open space inside some residential areas which are infilling - that is, accessible to immediate residents. Council has recognised the importance of the use of passive areas as a high priority in the Shoalhaven.

Council has, therefore, examined the potential for development and the likely future population characteristics in the Bomaderry area to arrive at an estimate of passive open space requirements and has identified certain lands for such a purpose in this Plan. Such land may include areas of urban bushland and land for the protection of local creeks and streams.

Apportionment

Council considers the current level of passive open space provision is adequate to serve the existing population's requirements. This Plan, therefore, provides that only new (future) development is levied for passive open space land acquisition.

Standard of Provision

Prior to the Section 94 Contributions Plan coming into effect in July, 1993, Council required developers to contribute to public open space at a rate of 2.48ha per 1,000 person (or 2.48m²/person). This amount was designed to provide for both "active" (formal sporting) and "passive" (parks and gardens) components of the public open space requirements.

However, Contributions Plan, 1993 separated the old single levy into two discrete contributions of "active" and "passive". Based on Land and Environment Court precedent, Council adopted a standard involving the local area occupancy at a rate of twelve (12) square metres per person as a reasonable amount for the passive open space contribution. This new level of provision is significantly less than the previous standard.

Thus, where Council does accept land in lieu of a monetary contribution, pathway and drainage areas may not necessarily comply as part of the passive open space contribution. Council seeks to maintain the existing character of the particular urban area where urban expansion is proposed by negotiation with the developer at the time of rezoning.

Selection of Areas

The land identified for passive open space acquisition have been selected on the basis of an area by area analysis, taking into account:

- the location of existing open space;
- potential population and development;
- passive open space requirement;
- topography;
- local zoning; and,
- planning objectives

Future Demand

Future demand for passive open space has been based on the expected population estimated from Council's projections

These projections assume that Bomaderry will have approximately 3,000 lots at full capacity, an increase of 712 on the 1991 figure. Given the 1991 Occupancy Rate of 2.81 persons per dwelling, it is estimated Bomaderry's future development will accommodate a new population of 1,833 people, assuming all the current zoned urban areas are developed, in addition to the rezoning of Lot 2, DP 237607, located off the western boundary of Meroo Road.

It is, therefore, estimated that, at twelve (12) square metres per person increase, an additional 21,996 square metres of land will be required to meet the future residents' demand for passive open space (see Development Flow Chart on Page 8).

Formula used to Determine Contribution Cl.26(1)(d)E.P. & A. Regs 1994)

Generated Demand

As Council considers the provision of passive open space to existing areas is adequate, this Plan provides that only new (future) development will be required to contribute to the acquisition of land for passive open space purposes. In this regard, it may be noted the requirement for additional passive open space is generated only by the need of the new (future) population.

As mentioned above, the future passive open space requirement is based on the provision of twelve (12) square metres of land per person. Thus, the actual amount of passive open space required to service the needs of a future population may be calculated as follows:

$$\begin{array}{lcl} \text{Passive Open Space Requirement} & = & \begin{array}{l} \text{Number of Occupied Dwellings} \\ \times \text{Local Occupancy Rate} \\ \times \text{Twelve (12) square metres} \end{array} \end{array}$$

Contribution

In supporting a particular population, it is acknowledged there will remain a number of unoccupied houses and vacant lots within that particular area. An estimated unoccupied dwelling and vacant lot rate has, therefore, been factored into the formula to determine the contribution amount (see Bomaderry Urban Area Development Table on Page 9)

The contribution is thus calculated by dividing the estimated land acquisition costs by the estimated total number of lots required to support the future population which will generate the need for the passive open space. That is :

Contribution =

$$\frac{\text{Estimated Cost of Land Acquisition}}{\text{divided by} \\ \text{New Occupied Dwellings + New Unoccupied Dwellings + New Vacant Lots} \\ \text{(ie total additional new lots to capacity)}}$$

Contribution Rate (cl 26(1)(e)EP&A Regs 1994)

A contribution of \$71 80 per ET (or Equivalent Tenement, or Lot) has been calculated for land acquisition on the following basis :

$$\begin{aligned} \text{Estimated lots at capacity} &= 3,000 \text{ lots} \\ &\text{Less } 2,288 \text{ existing lots} \\ &= 712 \text{ potential new lots} \end{aligned}$$

$$\begin{aligned} \text{New passive open space requirement} &= 1,833 \text{ new persons} \times 12\text{m}^2 \text{ per person} = 21,966\text{m}^2 \\ \text{Estimated cost of land acquisition} &= \$51,120.00 \end{aligned}$$

Therefore, Contribution = \$51,120.00 divided by 712 potential new lots = \$71 80 per lot (ET) - see Apportionment Table on Page 10.

Timing of Contribution Payment and Conditions Allowing Deferred or Periodic Payment (Cl.26(1)(f)EP&A Regs.1994)

The contribution is levied for all development generating the need for the provision of passive open space. In this regard, development in rural areas, rural residential areas and industrial or commercial development, will not be levied.

Method of Payment

There are three possible methods for the payment of monetary Section 94 contributions:

- cash;
- money order; or
- bank cheque

The method of payment for residential development will be by way of a cash contribution per lot (ET) on release of the linen plan where subdivision is involved. For other types of developments, or where construction is involved, cash payment will be made prior to issuing the building permit

Deferment

Under exceptional circumstances only, and subject to suitable financial undertakings, Council may allow deferment of conditions requiring the payment of monetary contributions provided the following criteria are satisfied:

- the conditions do not relate to facilities or services which, if not provided with the development, could compromise public safety and/or public health;
- the maximum deferral period will not exceed two (2) years from the date of the issue of the building permit, release of the linen plan or the endorsement date of the development consent (whichever is applicable); and,
- the applicant be required to provide:
 - a bank guarantee for the required amount, plus a penalty interest rate apportioned over the period of the bank guarantee; and
 - payment of a minor administration fee

The deferral of contribution payments will be assessed on individual merit and applicants should not rely on precedent set by this Council or any other local government authority. The penalty interest rate applying to authorised deferred payments will be in line with the current rate charged on overdue rate arrears.

Deferred or periodic contribution payments will be subject to the approval of the Assistant General Manager or his nominee, after considering the circumstances of the case.

Land Dedication

Where land is identified in this Plan for dedication, Council will seek the dedication of such land. The developer may offset Section 94 contributions to the extent of the value of the dedicated land.

Should any other land be proposed for dedication, the suitability of such land for Council purposes will be assessed at the development or subdivision stage. If approved, the applicant will need to contact Council for a valuation to be arranged.

Upon agreement of the land's value, and the exchange of contracts, Council will offset the value of the land against the monetary contribution payable.

Generally, however, where land within the development site has not been identified for acquisition in this Plan, a monetary contribution will be required.

Works In Kind

Council may accept the construction of amenities or the provision of services to offset a monetary contribution, provided such works or services are in accordance with the schedules contained in the Contributions Plan. The applicant will need to initiate this option by providing Council with full details of the proposed works (or services) prior to construction.

Council will consider the request and advise the applicant accordingly.

Schedule of Facilities to be Provided (CI 26(1)(g)EP& ARegs 1994)

This Plan has identified certain lands to be acquired for the provision of passive open space within the Bomaderry urban area. The value of these lands has been assessed by consultants to Council.

Land identified for acquisition, together with cost estimated and the area involved are described as follows:

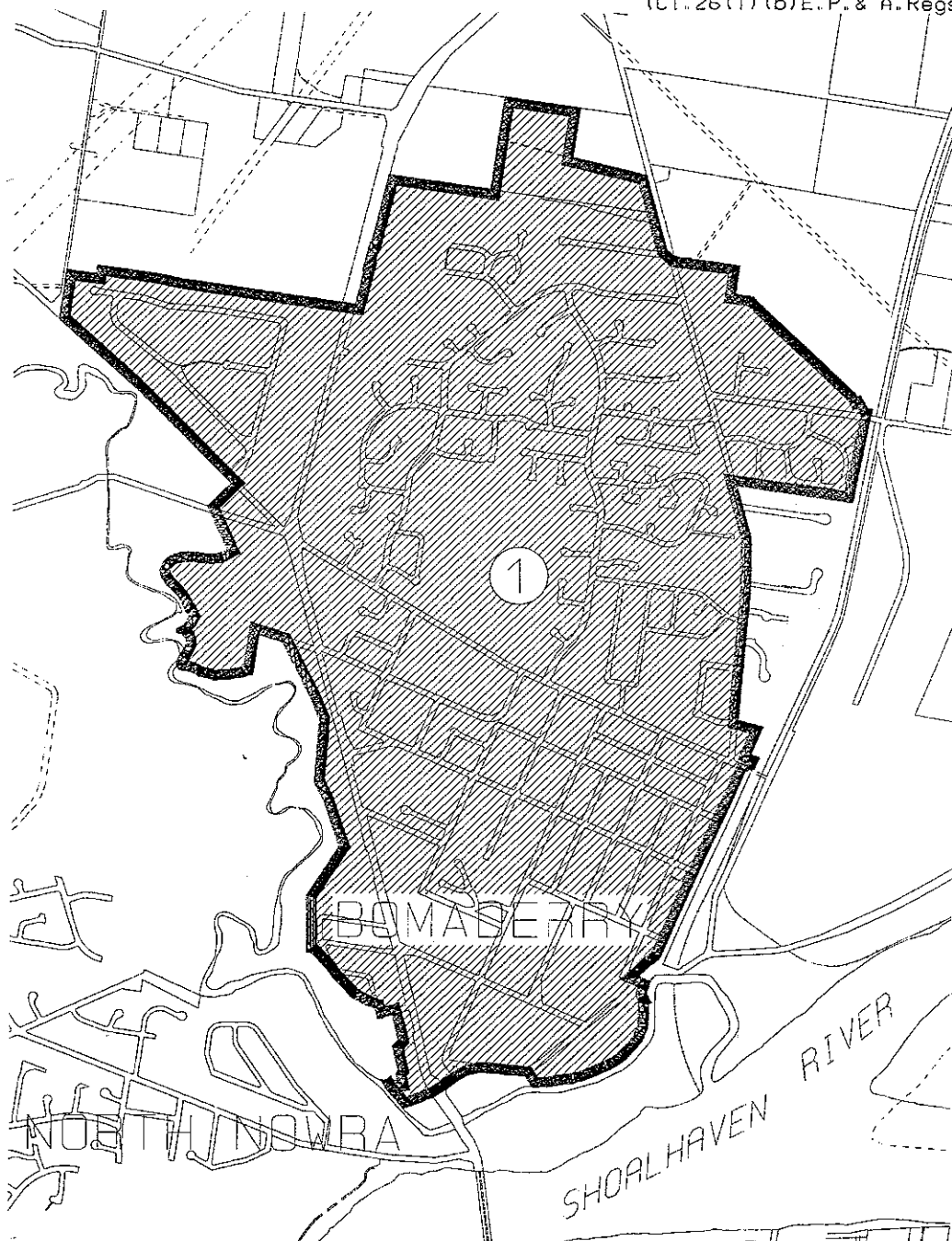
Part of Lot 2, DP 237607	= 1,800m ² ✓	= \$ 6,990
Part of Lot 6, DP 18366	= 310m ² ✓	= \$ 2,420
Part of Lot Z, DP 36736 15	= 1,220m ² ✓	= \$ 9,490
Part of Lot 7, DP 28428	= 3,370m ² ✓	= \$26,150
Part of Maleen Road reserve	= 2,500m ² ✓	= \$ nil
Part of Tarawal Road reserve	= 1,440m ² ✓	= \$ nil
Part of Tarawarra Road reserve	= 2,130m ²	= \$ nil
Part of Lot C, DP 417057	= 780m ² ✓	= \$6,070
Lot 22, DP 834710	= 8,446m ²	= \$ nil
Total Requirement	= 21,996m²	= \$51,120

The land identified for acquisition in this Plan is generally in accordance with the provisions contained in Development Control Plan No 46, which was adopted by Council on the 18th July, 1995, and came into effect on the 2nd August, 1995 (see Land Acquisition Maps on Pages 11 and 12).

Timing (Cl.26(1)(g)EP&A Rega.1994)

It is not possible to accurately prepare a program for the dedication and acquisition of passive open space provision based on specific dates. This is because of the uncertainty associated with predicting when privately owned land will be subdivided. It is, however, Council's intention to acquire the subject lands at the time substantial subdivision occurs. This is because that is the time of major demand for new passive open space.

(Cl. 26(1) (b) E.P. & A. Regs. 1994)



SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 1
AMENDMENT NO. 54

FILE NO: 14284

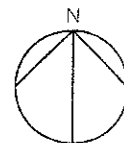
ADOPTED: 21/12/1999

EFFECTIVE FROM: 10/2/2000

FACILITY: PASSIVE OPEN SPACE PROVISION &/OR EMBELLISHMENT

PROJECT: BENEFIT AREA - BOMADERRY URBAN

PROJECT No:
01 OREC 0002



DRAWING FILE: SECT94:AREA1 (WINDOWS FAM54OR2 & AM54OR2)

Bomaderry Urban Area Development Table

Development	Existing Year 1991	Potential Development	Capacity Development
Population	5,640	2,110	7,750
Occupied Dwellings	2,006	754	2,760
Occupancy Rate	2.81 pers/dwg	-	2.81 pers/dwg
Unoccupied Dwellings	148	140	140
Total Dwellings	2,154	746	2,900
Vacancy Rate	6.87%	-	4.83%
Vacant Lots	134	100	100
Total Lots	2,288	712	3,000
Vacant Lot Rate	5.86%	-	3.33%

	Existing Year 1991	Infill Development	Section 94 Development	Potential Development	Capacity Development
Population	5,640	277	1,833	2,110	7,750
Occupied Dwellings	2,006	99	655	754	2,760
Occupancy Rate	2.81 pers/dwg	2.8 pers/dwg	2.8 pers/dwg	-	2.81 pers/dwg
Unoccupied Dwellings	148	107	33	140	140
Total Dwellings	2,154	58	688	746	2,900
Vacancy Rate	6.87%	-	4.80%	-	4.83%
Vacant Lots	134	76	24	100	100
Total Lots	2,288	2,288	712	712	3,000
Vacant Lot Rate	5.86%	3.32%	3.37%	-	3.33%

APPENDIX

APPORTIONMENT TABLE

1. Locality : Bomaderry Urban Area
2. Project : Passive Open Space
3. Project Number : 01 OREC 0002
4. Estimated Cost : \$51,120
5. Cost Apportionment Table :

Bomaderry Urban Benefit Area	Estimated Number of New Lots	Estimated Effective Population	Area Required at 12m ² per person	Estimated Cost	Contribution Per Lot (ET)	Council Responsibility (00.00%)	Developer Share (100.00%)
1	712	1,833	21,996	\$51,122	\$71.80	Nil	\$51,122

(Clause 26(1)(e) EP&A Regs 1994)

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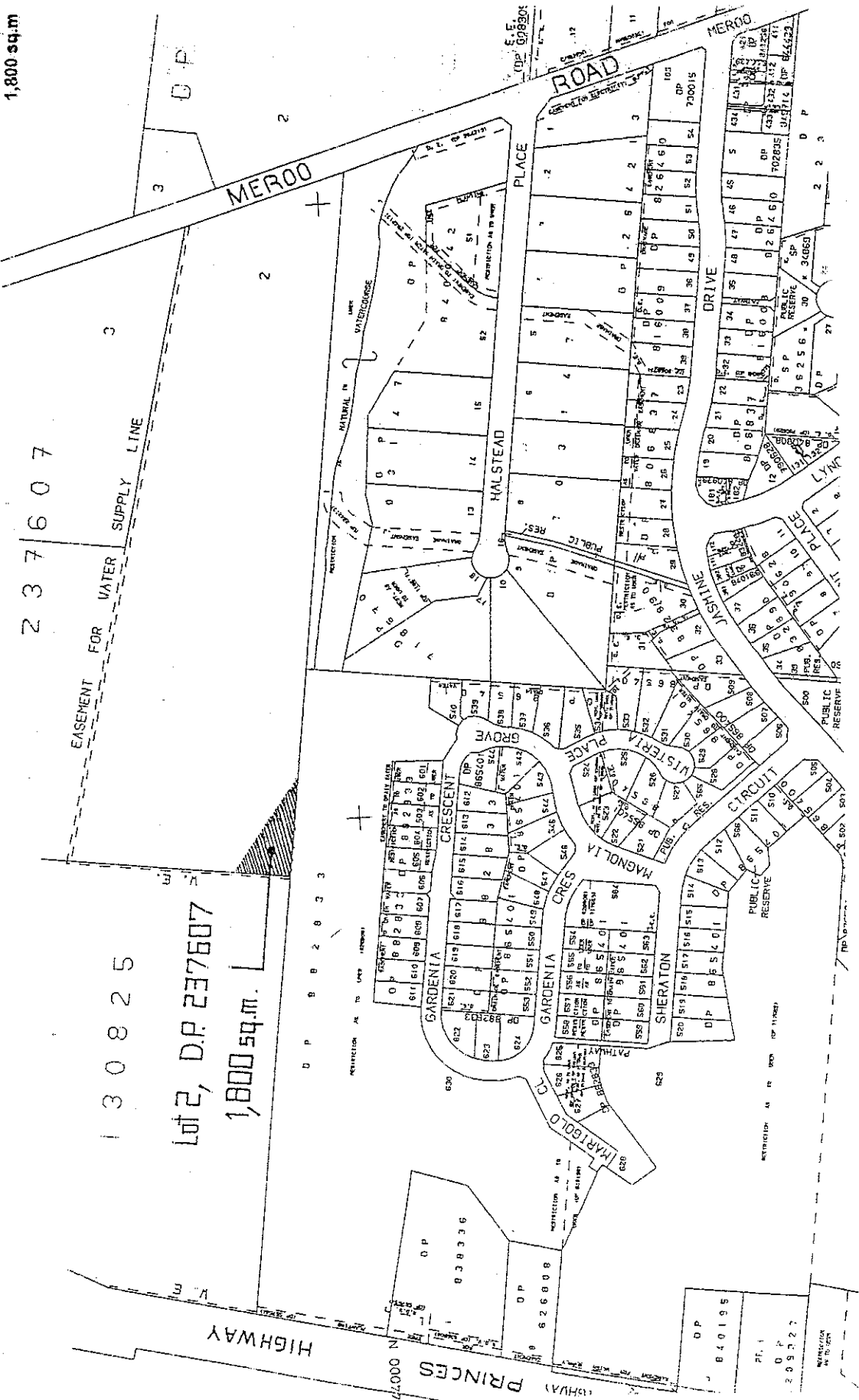
Public Exhibition from:

21 October 1999

To:

19 November 1999

LAND ACQUISITION MAP Part of Lot 2, D.P. 237607 1,800 sq.m

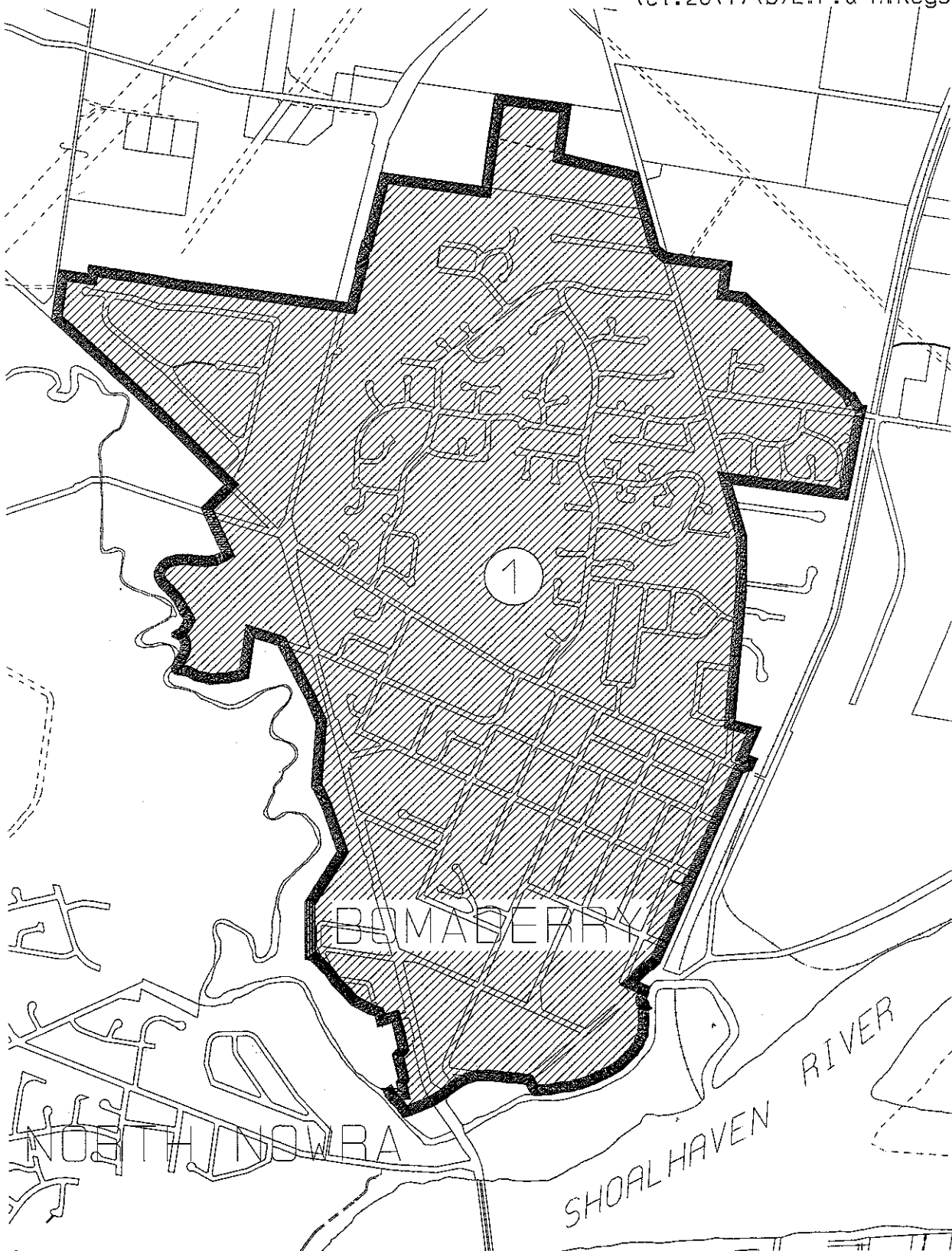


LAND ACQUISITION MAP

Part of Lot 6, D.P. 183666	= 310 sq.m
Part of Lot Z, D.P. 367365	= 1,220 sq.m
Part of Lot 7, D.P. 28428	= 3,370 sq.m
Part of Lot C, D.P. 417057	= 780 sq.m
Part of Maleen Road reserve	= 2,500 sq.m
Part of Tarawal Road reserve	= 1,440 sq.m
Part of Tarawarra Road reserve	= 2,130 sq.m
Lot 22, D.P. 834710	= 8,446 sq.m



(CL.26(1)(b)E.P. & A.Reg.1994)



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