



## **Section 94 Contributions Plan 1993**

### ***Amendment No. 64 Berry Gardens Estate***

01CFAC0013  
Berry Gardens Neighbourhood Community Centre

01OREC0009  
Berry Gardens Passive Open Space

**Adopted by Council - 1 September, 2003**

**Effective from - 3 September, 2003**

**Reference 28449**

**September, 2003**

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## 1. Introduction/ Background

In anticipation of development in the area west of Berry, Council has prepared Development Control Plan (DCP) No. 70 to guide development of the Berry Gardens Estate. This DCP came into effect on the 25<sup>th</sup> June 1998.

DCP No. 70 identified the need for the provision of a certain facilities to ensure that residential amenity standards will be achieved and that the environmental quality of the area is not compromised. In this regard, Council has recognised the need for the provision of a local community centre and passive open space areas.

## 2. Project Selection

Specific projects were selected on the basis of:

known future needs;  
planning considerations;  
population projections; and  
existing patterns of provision.

Some adjustments to the provision of projects have been made as a response to anticipated future local community requirements. Such changes may relate to either the type of services being delivered and modifications to building design or to the location and cost of the works.

This Plan contains the facilities identified in Development Control Plan No. 70 as being required as a consequence of the demand generated by development proposed in subdivision SF9320.

## 3. Purpose of the Plan

(Clause 27(1)(a) E P & A  
Regulations 2000)

The purpose (aim) of the Plan is to fund the costs of providing a local community centre and passive open space by way of a Section 94 levy on new (future) development on land within the of the Berry Gardens Estate benefit area.

## 4. Land to which the Plan Applies

(Clause 27(1)(b) E P & A  
Regulations 2000)

The Benefit Area applied to land generally bounded by the Princes Highway, Schofields Lane and Kangaroo Valley Road, identified in Development Control Plan No. 70 for the development of the Berry Gardens Residential Estate.

More specifically, the land is described as follows:

- Lots 73 & 79 DP 4468;
- Lot 4 DP 1011021;
- Lot 2 DP 1029237;
- Lots 25 & 26 DP 13701; and
- Lots 33, 34, 35 & 36 DP 13701.

The subject land is shown bounded by a thick black line on the *Benefit Area Map* in Appendix A to this Plan.

## 5. Development and Demand Nexus

(Clause 27(1)(c) EP&A  
Regulations 2000)

### 5.1 Establishment of a Nexus

Fundamental to the levying of Section 94 contributions is the establishment of a nexus between the (proposed) development and the need for increased or

new amenities and services generated by that development.

The Department of Urban and Transport Planning “Section 94 Contributions Plan Manual” indicates three aspects of the nexus - casual, physical and temporal.

That is, the services being levied for:

- must be a direct result of the development being levied;
- the service or facility must be near enough, in physical terms, to provide benefit to the development being levied; and
- the service or facility must be provided within a reasonable time.

In practice, these aspects are dealt with by:

- (a) determination of the additional population (or dwellings, floor space, etc) generated by the development (the causal relationship); and
- (b) from the above, determine the increased demand for the additional amenities and services, and where and when they will be needed (physical and temporal relationships).

## **5.2 Berry Gardens Neighbourhood Community Centre 01CFAC0013**

The Shoalhaven City Council considers that the social development of local neighbourhood communities requires a community building facility to be provided, and that local residents use it for their activities.

In this regard, future local residents will have a central focus, to provide a meeting place so that members of the local community can build relationships and engage in social activities.

Local government is traditionally responsible for the provision of community

facilities such as local neighbourhood community halls.

A local neighbourhood community centre is generally designed to provide a place for a variety of community activities, which may include:

- Playgroups;
- Community Meetings;
- Club Meetings;
- Classes;
- Holiday Programs;
- Special Interest Group Activities;
- Social Events;
- Arts Events;
- Welcoming New Residents;
- Information Gathering & Distribution; and
- Lockable Storage Areas.

To provide such services, the community hall needs to be a building designed for flexible use and, where possible, allow for future expansion.

In addition, the site should be landscaped with a variety of local plant species to illustrate the revegetation possibilities to residents of the local area.

The site may also provide play equipment suitable for a children’s playgroup. There may also be an outdoor paved area suitable for informal functions such as picnic-barbeques and the provision of adequate car parking.

The location of a local neighbourhood community centre essentially depends on the existing road layout and the size of the available land. In addition, the design and size of the building itself may vary, depending not only on the population of the benefit area, but also upon the existence of other nearby district-level community facilities.

In accordance with Clause 2.9 of Development Control Plan No 70, provision

for a “neighbourhood/community facility” has been identified adjacent to the 2(b1) and 6(c) zone, generally in the location shown on the DCP No 70 Map. The site area identified is approximately 2,000 square metres and it is intended that the facility will allow for integrated uses such as a childcare centre, health care clinic, etc. For location details, see Appendix D to this Plan.

### 5.3 **Berry Gardens Passive Open Space 01OREC0009** (Clause 27(1)(c) E P & A Regulations 2000)

In accordance with Clause 2.4 of DCP 70 the area of land within the DCP currently zoned Open Space 6(c) is required for passive open space uses.

A portion of this land will be required for pollution control, leaving approximately 3.4ha for passive open space use.

Other lands identified in the submitted plan (Ref. AJM-B-DA-1), and as approved in SF9320 as open space in the Berry Gardens Estate, are required for drainage reserves or as visual buffers between land uses.

In accordance with Clause 2.4 (b) of Development Control Plan No 70, all open space, drainage reserves and buffer areas will be dedicated to the public at no cost to Council. For location details, see Appendix E to this Plan.

## 6. **Contributions Formula** (Clause 27(1)(d) E P & A Regulations 2000)

The contribution rate is determined by dividing the estimated cost of the facilities by the number of new (future) dwellings benefiting from the project

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Estimated Number of Benefiting New Dwellings}}$$

## 7. **Contribution Rates** (Clause 27(1)(e) E P & A Regulations 2000)

In accordance with the contributions formula, a contribution rate per lot/dwelling (E.T.) has been calculated for the relevant projects as follows:

- 01CFAC0013  
Berry Gardens Neighbourhood  
Community Centre  
\$1,853.53 per E.T.
- 01OREC0009  
Berry Gardens Passive Open Space  
\$2,890.96 per E.T.

The above contributions are adjusted annually in line with movements in the Implicit Price Deflator. For more detailed information relating to the contribution rate, refer to *the Cost Apportionment Tables* in Appendices B & C to this Plan.

## 8. **Cost Estimates**

The costs estimated in this Plan include:

- Land Acquisition;
- Building Costs;
- Car Parking;
- Site Works and Landscaping; and
- Design and Administration On-costs.

The estimates used in this Plan do not include the costs for equipment or maintenance.

Estimated costs for new facilities are based on Council’s historic construction costs

within the Shoalhaven area. This figure has been updated in line with movements in the Implicit Price Deflator, to more accurately reflect current values.

For the type of building(s) proposed in this amendment, the construction cost is estimated at \$ 1,180.00 per square metre of building and car parking is estimated at \$1,500 per space.

For the purposes of estimation, landscaping, design and other administrative overheads are estimated to be approximately 30% of the building cost. To this is added the land costs. Site works may be subject to detailed site analysis and is based on the assumption that **no** rock formations are present on the site.

## 9. Estimated Cost of Facility

(Clause 27(1)(g) E P & A Regulations 2000)

- 01CFAC0013  
Berry Gardens Neighbourhood  
Community Centre  
\$656,150
- 01OREC0009  
Berry Gardens Passive Open Space  
\$1,023,400

The above estimates are adjusted annually in line with movements in the Implicit Price Deflator. For more detailed information relating to estimated costs, refer to the *Cost Apportionment Tables* in Appendices B & C to this Plan.

## 10. Apportionment of Costs

In newly developing areas, such as the Berry Gardens residential estate, the cost

of additional facilities is attributed to the new development because the demand for the facilities is generated from additional new development only. It is, therefore, considered that the cost of the facilities contained in this Plan should be apportioned over new Berry Gardens Estate development.

## 11. Schedule of Facilities & Timing

(Clause 27(1)(g) E P & A Regulations 2000)

This Plan provides for the facilities identified in Development Control Plan No 70 as follows:

1 Neighbourhood Community Centre; and, Passive Open Space areas.

It is anticipated that the facilities contained in this Plan will be provided during the construction stage of the subdivision.

The Plan further anticipates that threshold population levels within the benefit area will be reached within a reasonable time, given the construction period applying to a subdivision of this size.

## 12. Contribution Payment

(Clause 27(1)(f) E P & A Regulations 2000)

The contribution is required for all residential development in subdivision SF9320 located within the Benefit Area to this Plan.

## 12.1 Method of Payment

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

- cash;
- money order; or
- bank cheque.

The method of payment for residential development will be by way of cash contributions per lot (E.T.) on the release of the linen plan where subdivision is involved.

## 12.2 Works-In-Kind

Council will accept the construction of amenities, or the provision of services, to offset the monetary contribution, provided such works are in accordance Development Control Plan No 70, comply with the conditions contained in any Development Consent for subdivision SF9320 and comprise facilities that are outlined in the schedule contained in this Plan. The applicant will need to initiate this option by providing Council with the full details of the proposed works prior to construction. Council will then consider the request and advise the applicant accordingly.

## Appendices

- A 01CFAC0013: Berry Gardens Estate Benefit Area Map
- B 01OREC0009: Berry Gardens Estate Benefit Area Map
- C 01CFAC0013: Estimated Cost & Apportionment Table
- D 01OREC0009: Estimated Cost & Apportionment Table
- E 01CFAC0013: Locality Map
- F 01OREC0009: Locality Map

## References

- Section 94 Environmental Planning & Assessment Act, 1979;
- Clauses 26-38 (inclusive) Environmental Protection and Authority Regulations 2000; and
- Shoalhaven City Council Contributions Plan Manual.

Section 94 Contributions Plan 1993 Amendment 64 01CFAC0013: Berry Gardens Neighbourhood Community Centre & 01OREC0009: Berry Gardens Passive Open Space, being this written Statement and accompanying map, was

Adopted by Council: 1 September, 2003

and

Became effective from: 3 September, 2003



RD Pigg  
General Manager  
Date: 2<sup>nd</sup> September 2003

Appendix A - Berry Gardens Estate Benefit Area Map 01CFAC0013



SHOALHAVEN CITY COUNCIL  
**CONTRIBUTION PLAN AREA 1**  
**AMENDMENT NO. 64**

FILE NO: 28449  
ADOPTED: 1st September 2003  
EFFECTIVE FROM: 3rd September 2003  
FACILITY: COMMUNITY FACILITIES  
PROJECT: BERRY GARDENS NEIGHBOURHOOD CENTRE

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PROJECT NO.  
**01 CFAC 0013**





**Appendix B - Berry Gardens Estate Benefit Area Map 01OREC0009**



**SHOALHAVEN CITY COUNCIL  
CONTRIBUTION PLAN AREA 1  
AMENDMENT NO. 64**

FILE NO: 28449  
ADOPTED: 1st September 2003  
EFFECTIVE FROM: 3rd September 2003  
FACILITY: OPEN SPACE RECREATION  
PROJECT: BERRY GARDENS PASSIVE OPEN SPACE

AUTOCAD DRAWING FILE: Graphics\Projects\City\Section94\Amendment64

PROJECT NO.  
**01 OREC 0009**



**Appendix C – 01CFAC0013: Estimated Cost & Apportionment Table**

**Estimated Cost - \$656,150.00**  
 (Clause 27(1)(g) E P & A Regulations 2000)

		<b>Square Metres</b>		<b>Rate \$</b>		<b>Cost \$</b>
Building	approximately	250	x	1,180.00	=	295,000.00
Covered Verandah		70	x	590.00	=	41,300.00
Patio/Barbeque Area		10.2	x	295.00	=	3,010.00
Carparking Spaces		60	x	1,500.00	=	90,000.00
<b>Estimated Building Cost</b>						<b>429,310.00</b>
+ Landscaping, Paths, etc		8.00%	x	429,310.00	=	34,340.00
+ Survey, Design & Supervision		6.00%	x	429,310.00	=	25,760.00
+ Administration & On-Costs		15.50%	x	429,310.00	=	66,540.00
+ Land Costs		2,000	x	50.10	=	100,200.00
<b>Estimated Project Cost</b>						<b>656,150.00</b>

**Cost Apportionment Table (Clause 27(1)(e) E P & A Regulations 2000)**

<b>Benefit Area 01CFAC0013</b>	<b>Berry Gardens Benefit Area</b>				<b>Cost to Benefit Area</b>	<b>Contribution Per E.T.</b>
	<b>Existing Lots</b>	<b>Potential Single Detached</b>	<b>Potential Medium Density</b>	<b>Total Residential</b>		
Dwellings	11	291	105	407	\$656,150.00	\$1,853.53
Equivalent Tenements (E.T.'s)	11	291	63	365		

**Appendix D – 01OREC0009: Estimated Cost & Apportionment Table**

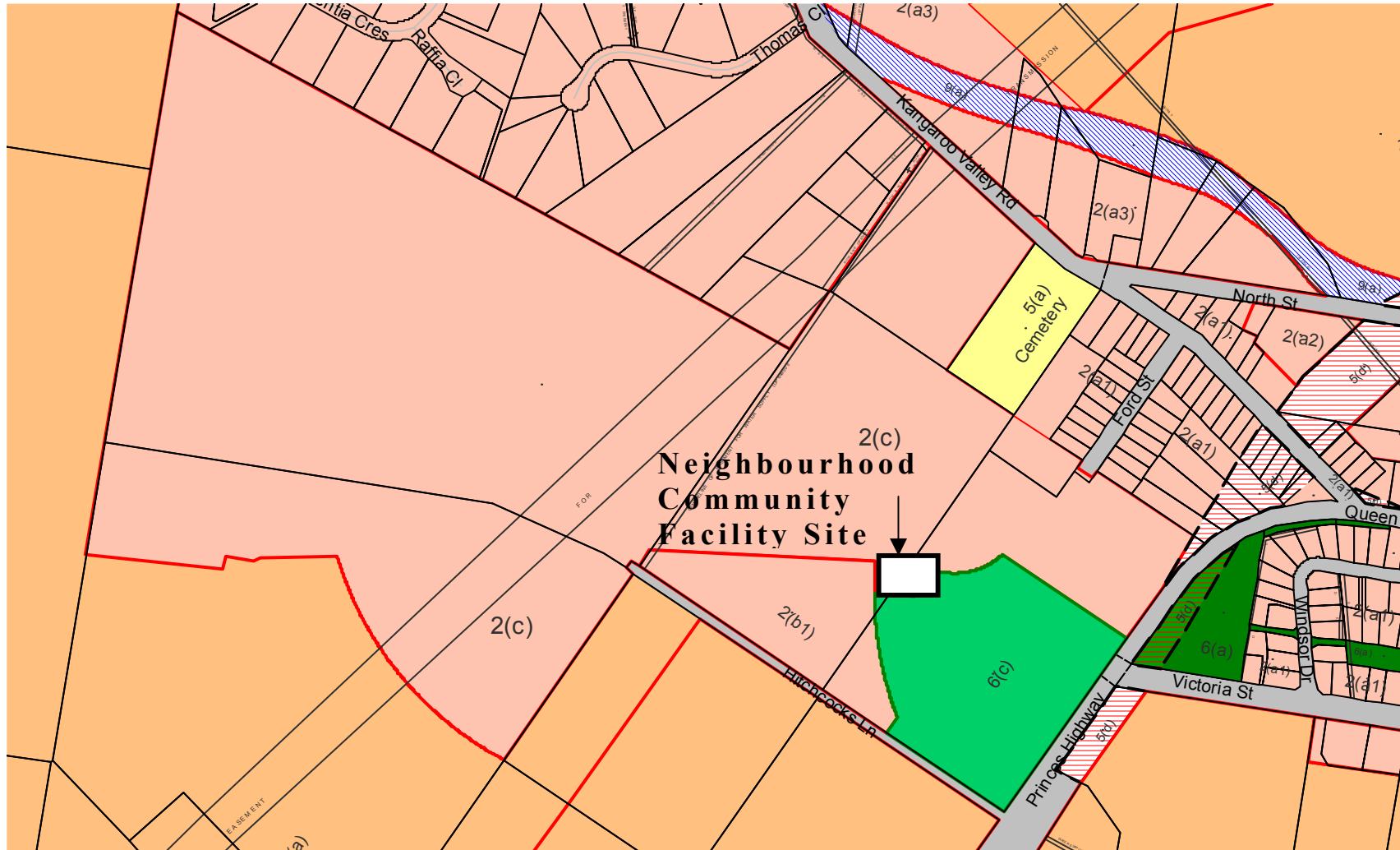
**Estimated Cost** - \$1,023,400.00  
 (Clause 27(1)(g) E P & A Regulations 2000)

hectares		m <sup>2</sup> per ha	=	m <sup>2</sup> area	x	\$per m <sup>2</sup>	=	Estimated Cost
3.4	x	10,000	=	34,000	x	30.10	=	\$1,023,400.00

**Cost Apportionment Table** (Clause 27(1)(e) E P & A Regulations 2000)

Benefit Area 01OREC0009	Berry Gardens Development				Cost to Benefit Area	Contribution Per E.T.
	Existing Lots	Potential Single Detached	Potential Medium Density	Total Residential		
Dwellings	11	291	105	407	\$1,023,400.00	\$2,890.96
Equivalent Tenements (E.T.'s)	11	291	63	365		

Appendix E - 01CFAC0013: Locality Map



Appendix F - 01OREC0009: Locality Map

