



Section 94 Contributions Plan 2004

Amendment No. 75

Area 2 Passive Open Space

Culburra Beach Urban Area 02 OREC 0001
Callala Bay 02 OREC 0002
Callala Beach/Myola 02 OREC 0003
Currarong 02 OREC 0004
Culburra Expansion Area 02 OREC 0005
Culburra Expansion Area (Road Buffer) 02 OREC 0006
Culburra Expansion Area (Playgrounds) 02 OREC 0007

Reference 28707

Adopted by Council: 19 October 2004
Effective from: 17 November 2004

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1. Introduction

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 essentially reflects organised sports rather than a level of activity. Active recreation therefore has different site/area requirements to passive recreation. As such, Council considers it important and necessary to maintain areas within the residential district where both passive and informal active recreation can occur.

Active recreation is addressed in a separate component of the Section 94 Contributions Plan.

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

2. Legal

This Contributions Plan has been prepared under Section 94 of the Environmental Planning and Assessment (E P & A) Act 1979, in accordance with Clauses 26 to 31 (incl.) of the E P & A Regulation 2000.

3. Planning Area 2 Culburra/Northern Jervis Bay

- In 1996-2001 the Callala Beach township had by far the highest growth rate at 7.9% per annum, whilst Currarong had the lowest growth rate of -0.2%.
 - Planning Area 2 is characterised by a reasonably high aged population with 23.2% of the population aged 65 years and over (36% aged 55 years and over). 15.7% of the population is aged 25 to 39 years, whilst the highest growth rate between 1996 and 2001 was in the 75+ year age bracket (6.8%).
 - The third highest (equal with Area 5) percentage of Aboriginal and Torres Strait Islanders reside in Planning Area 2.
 - Planning Area 2 has the second highest percentage of residents born overseas in non-English speaking countries (5.7%), Germany (0.8%) and Italy (0.8%) having the highest representation.
 - The unemployment rate for Area 2 is 14.3%, which is the highest unemployment rate of all the Planning Areas.
 - Planning Area 2 has the highest percentage of unoccupied dwellings (43.1%) and the second highest percentage of separate - detached houses (92.8%).
 - 72.6% of the dwellings in Planning Area 2 are owned or being purchased, ranked second within the City.
 - The average occupancy rate in Planning Area 2 is 2.37 persons per dwelling.
- Age Characteristics relating to Planning Area 2 are shown in the *Area 2 Population*

Age Characteristics Table in the Appendices to this Plan.

4. Purpose of the Plan

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

The objective of this Plan is to provide for public open space that meets user requirements for outdoor recreational and social activities and for landscaping that enhances the identity and environmental health of the community.

The purpose of the Plan is to fund the provision of passive open space within the Culburra Expansion Area by way of a Section 94 levy on new development of land within the benefit area.

A further aim of this Plan is to delete six Area 2 passive open space projects from the Section 94 Contributions Plan.

5. Deleted Projects

The following four projects are deleted from the Section 94 Contributions Plan:

02 OREC 0001 Orient Point/Crookhaven Heads/ Culburra Beach

Since July 1993 Council has acquired 5,492m² of passive open space to serve the Culburra Beach urban area.

The Culburra Beach urban area is now essentially developed with adequate passive open space to meet capacity demand.

Project funds will be spent on upgrading and embellishment of the existing public reserves within the Culburra Beach urban area.

02 OREC 0002 Callala Bay

Since July 1993 Council has acquired 20,860m² of foreshore land off Superb Crescent. Callala Bay village has been essentially developed and there is adequate open space within the village to service the capacity population.

Project funds will be spent on upgrading and embellishment of the existing public reserves within the Callala Bay village area.

02 OREC 0003 Callala Beach/Myola

Since July 1993 approx. 17ha of land has been dedicated to Council.

Callala Beach is now essentially developed with adequate passive open space to meet capacity demand.

Project funds will be spent on upgrading and embellishment of the existing public reserves within the Callala Beach and Myola village areas.

02 OREC 0004 Currarong

It is unlikely that vacant Crown land at Currarong will be developed.

The remainder of Currarong village is essentially developed with adequate passive open space to meet capacity demand.

02 OREC 0006 Culburra Expansion Area Provision of Access Road Buffer

It is unlikely development of the Culburra Expansion Area will proceed.

02 OREC 0007 Culburra Expansion Area Provision of Playgrounds

It is unlikely development of the Culburra Expansion Area will proceed.

6. Current Project

02 OREC 0005

Culburra Expansion Area (Long Bow Point)

Provision of Passive Open Space

Whilst it is unlikely that the Culburra Expansion Area will be developed in the near future, a large area of privately owned residential zoned land remains vacant.

Given the potential of 3,200 new lots 95,616m² of passive open space is required to meet any future demand.

7. Land to which the Plan Applies

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

02 OREC 0005

Culburra Expansion Area

Provision of Passive Open Space

The Benefit Area comprises all the land within Culburra Expansion Area (also known as Long Bow Point).

More specifically, the Plan relates to parts of Lot 7 DP 880627 adjoining and adjacent to Culburra Beach Entrance Road.

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

8. Development and Demand Nexus

(Clause 27(1)(c)
E P & A Regulation 2000)

02 OREC 0005

Culburra Expansion Area

Provision of Passive Open Space

Whilst the City of Shoalhaven is well endowed with Passive Open Space, 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 that is accessible to immediate residents in some residential areas, which are experiencing infill development. 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 Culburra Expansion 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

Given that there is currently no residential development within the benefit area, this Plan provides that only new (future) development is levied for the acquisition of land for passive open space.

9. Contributions Formula

(Clause 27(1)(d)
E P & A Regulation 2000)

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

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

10. Contribution Rates

(Clause 27(1)(e)
E P & A Regulation 2000)

02 OREC 0005 = \$399.40/E.T.

The contribution rate is adjusted annually in line with movements in the Constant Price Index.

For more detailed information relating to contribution rates, refer to the *Apportionment Table & Estimated Cost* in the Appendices to this Plan.

11. Contribution Payment

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

The Passive Open Space contribution is required for all development, other than industrial or commercial uses.

11.1 Method of Payment

The methods for the payment of monetary Section 94 contributions 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 releases of the linen plan where subdivision is involved.

For other types of development, or where construction is involved, cash payment will be made prior to the issuing of the building permit.

11.2 Deferment

Under exceptional circumstances only, and subject to suitable financial undertakings, Council may allow the deferment of the

monetary contributions payment, provided the following criteria are satisfied that:

- the contribution(s) do not relate to facilities that could threaten public health or safety;
- the maximum deferral period not to exceed two years from the date of the building permit, release of the linen plan or the endorsement date of the development consent; and
- the applicant will 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.

Deferral of Section 94 contribution payments is based on individual merit. Precedents set by this, or any other council should not be relied upon.

The interest rate applying to authorised deferred payments will be in accordance with the current interest rates charged by Council on overdue rates.

Deferred or periodic payments are subject to the approval of the Director Development and Environmental Services Group, or his nominee.

11.3 Land Dedication

Council will require the dedication of land identified for acquisition in this Plan.

The suitability of such land will be assessed at the development or subdivision application stage.

In the event the development is approved, Council will commission a valuation of the subject land.

Upon agreement of the land's value, and the exchange of contracts, the value of the land may be offset against the passive open space monetary contribution.

Where land has not been identified for acquisition in this Plan, a monetary contribution will be required.

12. Estimated Cost

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

02 OREC 0005 = \$1,278,080

The Estimated Costs are adjusted annually in line with movements in the Constant Price Index.

For more detailed information, refer to the *Apportionment Table & Estimated Cost* in the Appendices to this Plan.

13. Schedule of Facilities

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

This Plan provides for the following facilities:

13.1 Standard of Provision

Based on Land and Environment Court precedent, Council has adopted a standard based on the local area occupancy and a rate of 12m² per person as a reasonable amount for the passive open space contribution.

Where Council accepts land in lieu of a monetary contribution, pathway and drainage areas may not necessarily constitute part of the passive open space contribution. Council seeks to enhance, or at least maintain, the existing character of the particular urban area where urban expansion is proposed by negotiation with the developer at the time of rezoning.

13.2 Performance Criteria

In accordance with Element RE7 in DCP No 100 Subdivision Code, the Public Open Space objective is to provide, where appropriate, public open space that meets user requirements for outdoor recreational social activities and for landscaping that contributes to the identity and environmental health of the community.

In this regard, the objectives may be achieved by addressing the following criteria:

- A range of recreation settings, corridors for community paths and attractive urban environment settings and focal points;
- Adequate facilities to meet the needs of the community as reflected by indicators such as population density and demographic structures;
- Accessibility to users in conjunction with other existing facilities;
- Opportunities for the incorporation of existing trees, streams and other sites of natural or cultural value and linkage of habitats and wildlife corridors.
- Public safety and reasonable amenity of adjoining land users in the design of facilities and associated engineering works.
- Opportunities to link public open spaces into a legible network. For example, for regional open space to meet neighbourhood open space requirements.
- A clear relationship between public reserve and adjoining land uses established by appropriate treatment including alignment fencing, landscaping, and issues of security and surveillance.

- Avoidance of continual lengths of solid fencing along open space areas for security, surveillance, aesthetic and maintenance reasons.

13.3 Subdivision Design

In subdivision design, areas proposed for passive open space must satisfy the following criteria:

- provision of the required amount of passive open space within the relevant benefit area, generally located at the centre (or most accessible location within) of the subdivision development where possible;
- the land must be serviced;
- the land must be relatively level;
- the land must be suitable for the purposes of passive recreation;
- the land should have safe and reasonable pedestrian access available for local residents from all parts of the subdivision (and adjoining development where applicable);
- land essentially used for drainage purposes may not be acceptable as passive open space; and
- where appropriate, adjoining developers are encouraged to co-ordinate their subdivision development in order to optimise the provision of passive open space.

13.4 Selection of Areas

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

- the location of existing open space;
- accessibility;

- potential linkages;
- visual analysis
- potential population and development;
- passive open space requirement;
- topography;
- local zoning; and
- planning objectives.

13.5 Passive Open Space Acquisition

This Plan has identified certain lands to be acquired for the provision of passive open space. Consultants to Council have assessed the value of these lands.

Land identified for acquisition and the relevant areas required are described below.

02 OREC 0005 Culburra Expansion Area Provision of Passive Open Space

Pt Lot 7 DP 880627 = 95,616m²

13.6 Passive Open Space Embellishment

This Plan provides for the embellishment of the passive open space areas proposed to be acquired. Embellishment of future public reserves comprises all or some of the following:

- Enhanced landscaping
- Improved foreshore access
- Play Equipment
- Car parking areas
- Drainage
- Barbeque equipment / picnic areas
- Seating / Shelters
- Amenities building(s)
- Walking path(s)
- Signage

14. Timing

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

It is anticipated that the passive open space facilities identified in this Plan will be provided during the construction stage of the subdivision.

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.

Appendices

- A Area 2 Population Age Characteristics Table
- B 02 OREC 0005: Benefit Area Map
- C 02 OREC 0005: Apportionment Table & Estimated Cost
- D 02 OREC 0005: Locality Map

References

- Section 94 Environmental Planning & Assessment Act, 1979;
- Clauses 26-38 (inclusive) Environmental Planning & Assessment Regulation 2000;
- Shoalhaven City Council Contributions Plan Manual; and
- Shoalhaven City Council DCP No 100 - Subdivision Code.

Section 94 Contributions Plan 2004
Passive Open Space, being this written
Statement and accompanying maps, was

Adopted by Council: 19 October, 2004

and

Became effective from: 17 November, 2004



RD Pigg
General Manager

Date: 11 . 11 . 04

Appendix A - Area 2 Population Age Characteristic Tables

Census Applications Small Area System - 1991						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	213	4.08%	201	3.85%	414	7.94%
5 to 9	185	3.55%	189	3.62%	374	7.17%
10 to 14	147	2.82%	146	2.80%	293	5.62%
15 to 19	142	2.72%	80	1.53%	222	4.26%
20 to 24	98	1.88%	113	2.17%	211	4.04%
25 to 29	163	3.12%	177	3.39%	340	6.52%
30 to 34	176	3.37%	186	3.57%	362	6.94%
35 to 39	171	3.28%	173	3.32%	344	6.59%
40 to 44	153	2.93%	139	2.66%	292	5.60%
45 to 49	110	2.11%	136	2.61%	246	4.72%
50 to 54	112	2.15%	135	2.59%	247	4.73%
55 to 59	162	3.11%	151	2.89%	313	6.00%
60 to 64	214	4.10%	251	4.81%	465	8.91%
65 to 69	222	4.26%	194	3.72%	416	7.97%
70 to 74	156	2.99%	141	2.70%	297	5.69%
75 +	186	3.57%	195	3.74%	381	7.30%
Total	2,610	50.03%	2,607	49.97%	5,217	100.00%

Census Applications Small Area System - 1996						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	240	4.11%	202	3.46%	442	7.57%
5 to 9	256	4.38%	254	4.35%	510	8.73%
10 to 14	218	3.73%	175	3.00%	393	6.73%
15 to 19	124	2.12%	146	2.50%	270	4.62%
20 to 24	96	1.64%	71	1.22%	167	2.86%
25 to 29	122	2.09%	121	2.07%	243	4.16%
30 to 34	191	3.27%	199	3.41%	390	6.68%
35 to 39	195	3.34%	217	3.72%	412	7.06%
40 to 44	175	3.00%	194	3.32%	369	6.32%
45 to 49	167	2.86%	149	2.55%	316	5.41%
50 to 54	144	2.47%	116	1.99%	260	4.45%
55 to 59	143	2.45%	168	2.88%	311	5.33%
60 to 64	166	2.84%	205	3.51%	371	6.35%
65 to 69	248	4.25%	259	4.44%	507	8.68%
70 to 74	203	3.48%	197	3.37%	400	6.85%
75 +	217	3.72%	261	4.47%	478	8.19%
Total	2,905	49.75%	2,934	50.25%	5,839	100.00%

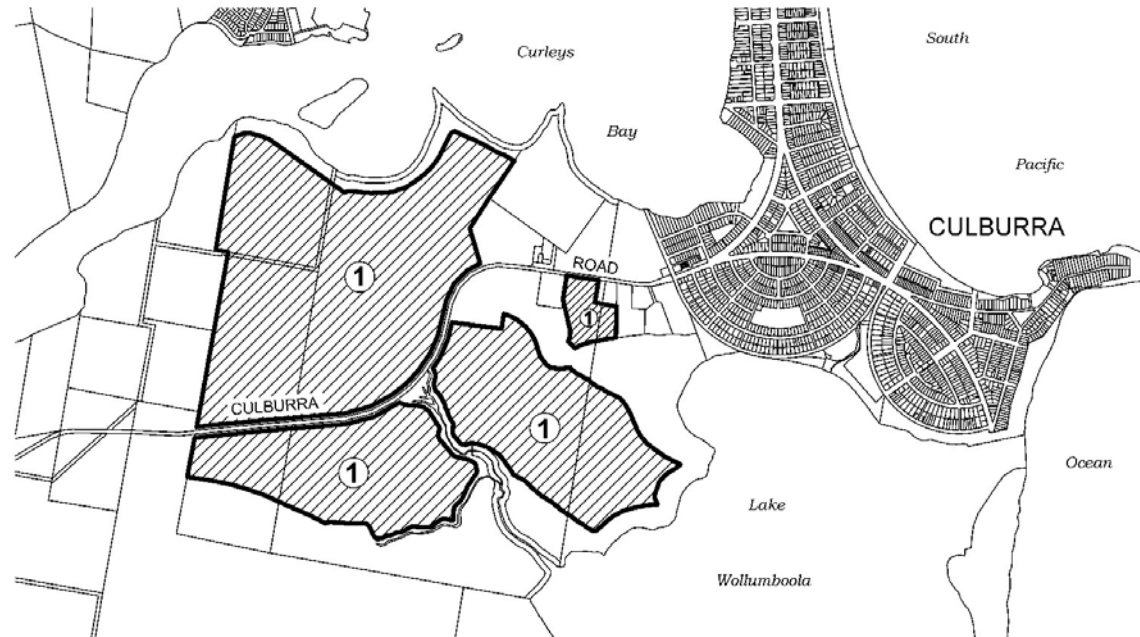
Year 2011 Estimate						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	265	3.02%	245	2.79%	510	5.82%
5 to 9	270	3.08%	265	3.02%	535	6.10%
10 to 14	285	3.25%	285	3.25%	570	6.50%
15 to 19	290	3.31%	245	2.79%	535	6.10%
20 to 24	250	2.85%	200	2.28%	450	5.13%
25 to 29	265	3.02%	230	2.62%	495	5.64%
30 to 34	265	3.02%	200	2.28%	465	5.30%
35 to 39	295	3.36%	245	2.79%	540	6.15%
40 to 44	265	3.02%	260	2.96%	525	5.98%
45 to 49	300	3.42%	290	3.31%	590	6.73%
50 to 54	280	3.19%	320	3.65%	600	6.84%
55 to 59	280	3.19%	340	3.88%	620	7.07%
60 to 64	325	3.71%	345	3.93%	670	7.64%
65 to 69	270	3.08%	295	3.36%	565	6.44%
70 to 74	215	2.45%	230	2.62%	445	5.07%
75 +	265	3.02%	390	4.45%	655	7.47%
Total	4,385	50.00%	4,385	50.00%	8,770	100.00%

Capacity Estimate						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	340	3.50%	310	3.19%	650	6.69%
5 to 9	340	3.50%	340	3.50%	680	7.00%
10 to 14	325	3.34%	315	3.24%	640	6.58%
15 to 19	295	3.03%	255	2.62%	550	5.66%
20 to 24	235	2.42%	200	2.06%	435	4.48%
25 to 29	275	2.83%	260	2.67%	535	5.50%
30 to 34	310	3.19%	305	3.14%	615	6.33%
35 to 39	325	3.34%	305	3.14%	630	6.48%
40 to 44	275	2.83%	275	2.83%	550	5.66%
45 to 49	270	2.78%	275	2.83%	545	5.61%
50 to 54	270	2.78%	305	3.14%	575	5.92%
55 to 59	300	3.09%	340	3.50%	640	6.58%
60 to 64	360	3.70%	385	3.96%	745	7.66%
65 to 69	365	3.76%	360	3.70%	725	7.46%
70 to 74	280	2.88%	270	2.78%	550	5.66%
75 +	290	2.98%	365	3.76%	655	6.74%
Total	4,855	49.95%	4,865	50.05%	9,720	100.00%

Year 2011 Estimate						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	265	3.02%	245	2.79%	510	5.82%
5 to 9	270	3.08%	265	3.02%	535	6.10%
10 to 14	285	3.25%	285	3.25%	570	6.50%
15 to 19	290	3.31%	245	2.79%	535	6.10%
20 to 24	250	2.85%	200	2.28%	450	5.13%
25 to 29	265	3.02%	230	2.62%	495	5.64%
30 to 34	265	3.02%	200	2.28%	465	5.30%
35 to 39	295	3.36%	245	2.79%	540	6.15%
40 to 44	265	3.02%	260	2.96%	525	5.98%
45 to 49	300	3.42%	290	3.31%	590	6.73%
50 to 54	280	3.19%	320	3.65%	600	6.84%
55 to 59	280	3.19%	340	3.88%	620	7.07%
60 to 64	325	3.71%	345	3.93%	670	7.64%
65 to 69	270	3.08%	295	3.36%	565	6.44%
70 to 74	215	2.45%	230	2.62%	445	5.07%
75 +	265	3.02%	390	4.45%	655	7.47%
Total	4,385	50.00%	4,385	50.00%	8,770	100.00%

Capacity Estimate						
Age by Sex - All Persons						
Years	Males	%	Females	%	Persons	%
0 to 4	340	3.50%	310	3.19%	650	6.69%
5 to 9	340	3.50%	340	3.50%	680	7.00%
10 to 14	325	3.34%	315	3.24%	640	6.58%
15 to 19	295	3.03%	255	2.62%	550	5.66%
20 to 24	235	2.42%	200	2.06%	435	4.48%
25 to 29	275	2.83%	260	2.67%	535	5.50%
30 to 34	310	3.19%	305	3.14%	615	6.33%
35 to 39	325	3.34%	305	3.14%	630	6.48%
40 to 44	275	2.83%	275	2.83%	550	5.66%
45 to 49	270	2.78%	275	2.83%	545	5.61%
50 to 54	270	2.78%	305	3.14%	575	5.92%
55 to 59	300	3.09%	340	3.50%	640	6.58%
60 to 64	360	3.70%	385	3.96%	745	7.66%
65 to 69	365	3.76%	360	3.70%	725	7.46%
70 to 74	280	2.88%	270	2.78%	550	5.66%
75 +	290	2.98%	365	3.76%	655	6.74%
Total	4,855	49.95%	4,865	50.05%	9,720	100.00%

Appendix B - 02 OREC 0005: Benefit Area Map



SHOALHAVEN CITY COUNCIL
S94 CP2004
AMENDMENT NO.75
PASSIVE OPEN SPACE

FILE NO:28707
FACILITY: CULBURRA EXPANSION AREA - PASSIVE OPEN SPACE
PROJECT: BENEFIT AREA

PROJECT NO.
02 OREC 0005



Appendix C - 02 OREC 0005: Apportionment Table & Estimated Cost

Apportionment Table

(Clause 27(1)(e) E P & A Regulation 2000)

02 OREC 0005 Benefit Area	Existing Lots	Estimated Future Lots	Estimated Total Lots	Benefit Area Cost	Contribution Per E.T.
1	0	3,200	3,200	\$1,278,080	\$399.40

Estimated Cost

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

Estimated Passive Open Space Requirement

Future Lots **Occ Rate** **No Persons**
 3,200 x 2.49 = 7,968

People **m²** **m²**
 7,968 x 12 = 95,616

Estimated Cost

m² **Rate \$** **\$**
 Pt Lot 7 DP 95,616 x 5 = 478,080
 880627

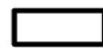
Embellishment

(Playground, Landscaping, BBQ, Walking Paths, Seating, Signage) = \$800,000

Estimated Project Cost - \$1,278,080

Appendix D - 02 OREC 0005: Locality Map

APPENDIX
LOCALITY MAP : 02 OREC 0005
CULBURRA ROAD – CULBURRA

 Subject Land

