

The Council of the Shire of Ballina

**Section 94 Contribution Plan: Public Garden
& Recreation Space Enhancement**

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1.0 INTRODUCTION

1.1 Citation

This plan is referred to as the "Section 94 Contributions Plan for Ballina Shire - Public Garden & Recreation Space Enhancement".

1.2 Purpose

The Contributions Plan will:

- apply to all new residential development in the Shire; and
- enable Council to levy developer contributions for Public Garden & Recreation Space enhancement works which have been or will be provided by Council to meet the increased demand for public services and amenities arising from new residential development.

1.3 Objectives of the Plan

The plan is:

- to provide a basis for levying developer contributions;
- to identify public amenities and services, relating to public garden and recreation space enhancement Council intends to provide;
- to establish the relationship between new development and the intended works, and to demonstrate the contributions are reasonable;
- to support a strategy which will enable the timely provision of works by Council;
- to facilitate proper financial management and accountability for contribution income and expenditures; and
- to provide public information.

1.4 Relationship to Environmental Planning Instruments

This Contributions Plan applies to land covered by the "Ballina Local Environmental Plan 1987". It supports Council levying developer contributions for public garden and recreation space enhancement works, under Section 94 of the Environmental Planning and Assessment Act 1979.

Directions have been issued by the Minister for Planning, under Section 117 of the Environmental Planning and Assessment Act, to the effect that contributions cannot be levied on dual occupancy development and development for aged and disabled persons in particular circumstances.

1.5 Land to which Plan Applies

This Contributions Plan applies to all land where residential development is permissible.

2.0 DEVELOPMENT AND CONTRIBUTIONS

2.1 Background

At present, Ballina Shire has a relatively high level of open space for the population. Accordingly, Council does not follow the widespread practice of levying for, or seeking by dedication, a set amount of open space per additional resident. It seeks open space as required to serve local needs. Generally, with larger developments, dedications of land (with only basic land forming and no improvements) are sought at subdivision. If additional open space land is not required, or it is impractical to seek dedications, a cash contribution is sought in lieu of land being dedicated. In essence, Council has levied contributions for land and improvements: it has done so on a practical basis, according to the particular circumstances.

Cash contributions are used to embellish open space. For many years it has been Council policy to use cash income from contributions, and other funds, to embellish district and local level open space. Cash contributions have been used to provide:

- improvements to playing fields (mainly filling, levelling and draining);
- substantial recreation facilities (such as the expanded amenities with community access at the East Ballina High School);
- landscape, pedestrianway and cycleway improvements;
- amenities blocks and toilets; and,
- club houses and recreation related facilities.

Council has provided open space land and improvements on the basis of creating a range of recreational opportunities. Recreation facilities and open space are provided with a view to benefiting the wider community. Council seeks to provide facilities which serve all areas of the Shire so all residents may benefit from the open space and recreation facilities provided.

Council adopts a longer term and broad perspective. Improvements are undertaken to reflect the need for new facilities, having regard to the location of new development and to the available recreation opportunities. The recreation needs of the residents of new developments are met by existing and new facilities, as a result of the comprehensive approach adopted by Council.

Council's policy on levying residential development for recreational improvements is considered reasonable since:

- new development leads to additional population and an increased demand for and upon open space and recreational facilities;

- the amount of contribution sought is much less than the amount that would be charged were a conventional "acquisition style" charge for open space land to be levied (a charge based on the traditional amount of land (2.83 ha/1000 persons) per dwelling is estimated to be about \$2,300 using an occupancy rate of 2.72 persons per dwelling and an indicative price of \$300,000 per hectare for serviced land zoned for residential uses);
- existing development has borne costs with providing recreational opportunities, which will also benefit new development, and so it is reasonable that a similar cost should be borne by new development for improvements which benefit all residents;
- Council has spent income received from recreation contributions on appropriate improvements; and
- Council has a policy of providing recreation improvements which provide opportunities and benefits to the wider community.

2.2 Works Proposed

Council has decided to prepare a comprehensive open space plan. This plan will guide future expenditures and priorities. In the interim, in response to the increasing demand for recreation facilities, Council has indicated a list of "priority" items which will be considered in forward planning for expenditures and budget decisions. The priority items include:

- a cycleway between Ballina and Lennox Head (estimated to cost \$320,000);
- a high-standard hockey field (estimated cost of \$200,000 to be borne by Council);
- multiple-purpose halls, for example East Ballina High School (estimated to cost \$600,000);
- playing field improvements, for example, Chickiba Beach and Blair Athol (estimated to cost \$500,000);
- amenities buildings, for example Blair Athol (estimated to cost \$200,000);
- augmentation of surf clubs, for example, Angels Beach (estimated to cost \$500,000).

2.3 Calculation of Equivalent Tenements

Contributions will be based on the assessed ET (or lots) attributable to a new development and in some cases "changes of use". Equivalents shall be calculated by reference to dwelling occupancy rates. (1986 ABS)

Contributions will apply to the additional demand created by a development. In the case of a site being redeveloped an allowance (in ET) will be allocated to existing development. The contribution will be levied on the additional ET attributed to a development.

2.4 Contributions Rate

The basic contributions rate is \$500/ET (in January 1993 dollars)

For residential lot	= 1.00 x ET contributions rate is \$500
For residential unit	= 0.72 x ET contributions rate is \$360
Mobile home sites	= 0.72 x ET contributions rate is \$360
Tourist caravan sites	= 0.66 x ET contributions rate is \$330

The ET, or equivalent lots, and appropriate contribution for other types of development will be based on assessed occupancy rates.

3.0 METHOD AND TIMING OF PAYMENTS

Contributions will be levied in accordance with the Contributions Plan. The amount of development contributions to be paid will be calculated on the basis of the adopted rate at the time of development approval. A condition of consent will indicate the timing, form and amount of payment.

Council may adjust, at the time of payment, the contribution amount to reflect the consumer price index (all groups - Sydney). The intention is for Council to receive contributions which have an equal real value per resident from developments which are approved according to a prescribed contribution rate.

Normally, payment will be in cash, and contributions will be paid with the lodgement of "lien plans" at subdivision stage. In the case of residential flat development, contributions shall be made prior to release of approved building plans.

In exceptional circumstances Council may accept contributions in the form of items of "material public benefit". A developer may make a proposal to contribute such an item; in which case arrangements would have to be negotiated with and agreed to by Council.

4.0 ADMINISTRATION

4.1 Reviews to Contributions Plan

Council will periodically review this Contributions Plan, to reflect conclusions drawn and works programming adopted as a consequence of the finalisation of Council's open space plan.

4.2 Revisions to Contributions Rate

The contributions rate will be revised every twelve (12) months. Such review will be carried out in November each year and adopted by Council at its "estimates meeting" in December each year. This will review the real value of contributions applicable to all developments to which this Contributions Plan applies.