

# Ballina Shire Open Space and Community Facilities Contributions Plan 2016

**Prepared for:**

**Ballina Shire Council**

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**Ballina Shire Council**

By



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## 1. Introduction

Ballina Shire Council provides a range of open space and community facilities to serve the needs of its residents.

The Shire will continue to accommodate new residential and tourist and visitor accommodation development in the future. The occupants of these developments will add to the existing demand for these open space and community facilities.

Council wishes to promote economic development in the Shire, but also considers that it is important for new developments to make a reasonable contribution towards the provision of new and / or augmented open space and community facilities to meet the demands of those developments.

Council's previous open space and community facilities contributions plan was informed by the planning standards and facility strategies in the *Ballina Shire Open Space Strategy* and the *Community Facilities Strategy*, both adopted by Council 2008. This plan continues to implement those strategies, but with modified works schedules that reflect changes to the projected future population growth in the Shire.

The previous plan has also been simplified by reducing the number of contribution catchments. That is, this plan collects and allocates funds for facilities on a Shire-wide basis.

This contributions plan updates the previous contributions plan and contains the following:

- A works schedule with a total value (in 2016 dollars) of \$54.8 million, \$22.5 million (41%) of which is anticipated to be met by contributions levied on development expected to be approved under this plan.
- A schedule of contribution rates for different development types.
- Information on how the contribution rates were calculated.
- Provisions enabling reasonable contributions to be imposed on development.
- Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- Various other provisions related to the fair and transparent administration of section 94 contributions for open space and community facilities.

## 2. Plan summary

### 2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below:

#### **Section 2 – Plan Summary**

This section identifies both the land and development that this plan applies to as well as the contributions rates that apply to development.

#### **Section 3 – How are the contributions rates calculated?**

This section explains how the contributions for open space and community facilities are calculated. The expected development is described as well the associated nexus of the contributions to this development. It also provides the formulas and approach for how the contribution rates have been calculated.

#### **Section 4 – How and when will contributions be imposed on development?**

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and complying development certificates.

#### **Section 5 – How and when a contribution requirement can be settled?**

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan through the use of voluntary planning agreements and works in kind arrangements.

#### **Section 6 – Other administration matters**

This section outlines other administrative arrangements surrounding the operation of this plan, including a Dictionary of terms used in this plan.

### **Appendices**

The appendices include schedules, data and maps of the open space and community facilities to be funded using contributions collected under this plan.

## 2.2 Name and commencement of plan

This plan is called *Ballina Shire Open Space and Community Facilities Contributions Plan 2016*.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

## 2.3 What is this plan's purpose?

The primary purpose of this plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a Complying Development Certificate (**CDC**) for development to which this plan applies,

to require a section 94 contribution to be made towards the provision, extension or augmentation of open space and community facilities that are required as a consequence of development, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

- To provide a clear and transparent basis for levying contributions under the provisions of section 94 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.
- To provide the framework for the efficient and equitable determination, collection and management of open space and community facilities development contributions.
- To establish the relationship between the expected development and proposed facilities to demonstrate the required contributions are reasonable.
- To update the assumptions underpinning, and simplify the contribution rates schedule in, the previous plan (*Ballina Shire Contributions Plan 2008*).
- To allow for facilities in this plan to be provided by developers as works in kind in lieu of a monetary contribution.
- To provide for the dedication of land at no cost to Council in lieu of a monetary contribution.
- To ensure that the broader Ballina community is not unreasonably burdened by the provision of open space and community facilities that are required as a result of development in the Shire.

## 2.4 What land and development does this plan apply to?

Subject to **Section 2.5**, this plan applies to land in the Ballina Shire.

This plan applies to the following types of development:

- Residential accommodation or manufactured home development that would, if approved, result in a net increase in dwellings.
- Tourist and visitor accommodation development that would, if approved, result in a net increase in the number of accommodation units or beds.



## 2.5 What development is exempted?

The following developments or components of developments are exempted from the requirement to make a contribution under this plan:

- Development for drainage, utility or other public purposes to be provided by State Government or the Council.
- Development exempted from contributions by a direction of the Minister pursuant to section 94E of the EP&A Act, current at the time of assessment of the Development Application (The direction will provide the terms of its applicability). Copies of current Directions are available to download from the Department of Planning and Environment website.

## 2.6 What open space and community facilities will be provided under this plan?

The following types of open space and community facilities are covered by this plan:

- Local parks.
- District parks.
- Active recreation facilities including playing fields and outdoor courts.
- Regional level recreation facilities including boating facilities, cycleway facilities, skateparks, and indoor sports and events space.
- Multi-purpose community centres and meeting halls.
- Regional level community facilities including libraries, surf life saving clubs.

The costs of administering this plan will also be met by contributions imposed under this plan.

A summary of the costs of open space and community facilities to be met by development approved under this plan is shown in **Table 1**.

More details on the demand for open space and community facilities, the relationship of the open space and community facilities with the expected development, and specific facilities to be provided are included in **Part 3** of this plan.

**Table 1 Summary of infrastructure costs**

Facility type	Total cost	Cost to be met by future development
Local parks	\$659,075	\$659,075
District parks	\$2,917,000	\$2,917,000
Playing fields	\$10,834,583	\$6,567,798
Regional level recreation facilities	\$23,024,776	\$6,032,012
Multi-purpose community centres and meeting halls	\$6,470,000	\$2,842,938
Regional level community facilities	\$10,907,095	\$3,537,027
<b>Total</b>	<b>\$54,812,529</b>	<b>\$22,555,850</b>

## 2.7 What are the contribution rates for open space and community facilities?

**Table 2** below shows the contribution rates for the various categories of open space and community facilities in this plan.

This plan authorises different rates on development, depending on whether the development is located in the Cumbalum area, including the Kinvara locality. The Cumbalum area land is shown in **Figure 1**.

**Table 2 Summary of contribution rates**

	Rate per lot	Rate per 3 bed or more dwelling	Rate per 2 bed dwelling	Rate per 1bed dwelling	Rate per single person tourist bed
<b>All areas except Cumbalum</b>					
Local parks	\$247.04	\$247.04	\$155.54	\$118.95	\$30.19
District parks	\$1,093.38	\$1,093.38	\$688.42	\$526.44	\$133.63
Playing fields	\$2,461.80	\$2,461.80	\$1,550.02	\$1,185.31	\$300.89
Regional level recreation facilities	\$1,789.36	\$1,789.36	\$1,126.64	\$861.55	\$218.70
Multi-purpose community centres and meeting halls	\$1,065.61	\$1,065.61	\$670.94	\$513.07	\$130.24
Regional level community facilities	\$1,049.24	\$1,049.24	\$660.63	\$505.19	\$128.24
Plan administration	\$106.32	\$106.32	\$66.94	\$51.19	\$12.99
<b>Total</b>	<b>\$7,812.75</b>	<b>\$7,812.75</b>	<b>\$4,919.14</b>	<b>\$3,761.70</b>	<b>\$954.89</b>
<b>Cumbalum</b>					
Regional level recreation facilities	\$1,789.36	\$1,789.36	\$1,126.64	\$861.55	\$218.70
Regional level community facilities	\$1,049.24	\$1,049.24	\$660.63	\$505.19	\$128.24
Plan administration	\$42.58	\$42.58	\$26.81	\$20.50	\$5.20
<b>Total</b>	<b>\$2,838.60</b>	<b>\$2,838.60</b>	<b>\$1,787.27</b>	<b>\$1,366.74</b>	<b>\$346.94</b>

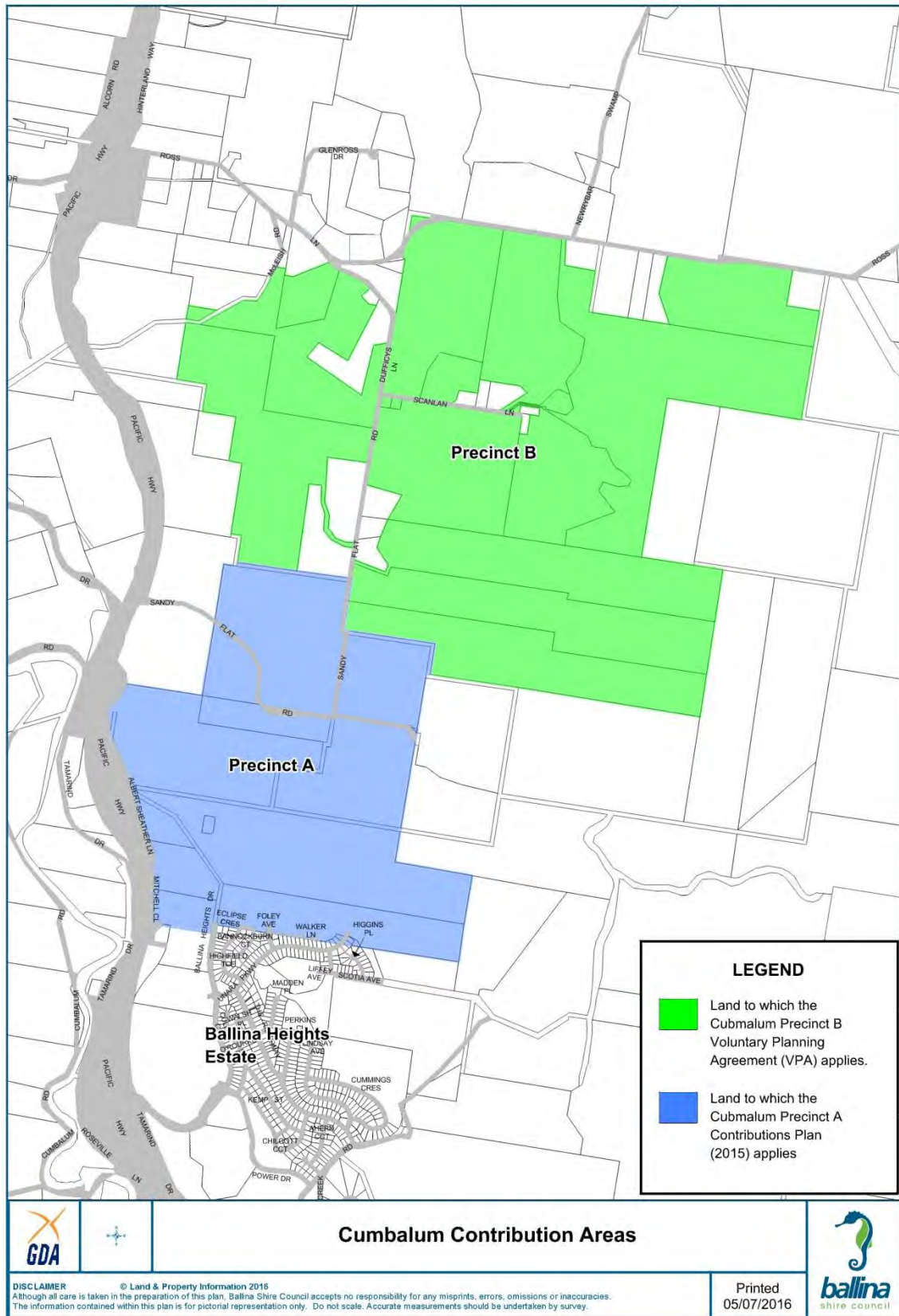


Figure 1 Cumbalum area

### 3. How are the contribution rates calculated?

The contribution rates in this plan are based on the expected development, the anticipated population in or occupation of that development, the cost of the facilities, and the fair apportionment of those costs to the expected development.

The following sections of the plan discusses these aspects further.

#### 3.1 Expected demand for open space and community facilities

##### 3.1.1 Area context

Ballina Shire is situated on the North Coast of NSW.

Ballina is the central urban area within the Shire, with a series of villages and small rural settlements located both on the coast and in the Shire's hinterland.

The Shire in 2016 had an estimated resident population of approximately 43,331. The estimated resident population is anticipated to grow to a total of 52,432 by 2036. At any one time there is also a substantial visitor population in the Shire and this population is also predicted to grow in the future.

##### 3.1.2 Expected development

###### Residential development

Dwelling growth in the future is likely to be greatest in a number of strategic greenfield growth areas including Ballina North, Cumbalum, Lennox Head, Skennars Head and Wollongbar. The established areas of Ballina Island are likely to experience some new infill/minor site dwellings.<sup>1</sup>

**Table 3** shows the anticipated dwelling growth across the different small areas in the Shire, while **Figure 2** shows the relative changes on a map.

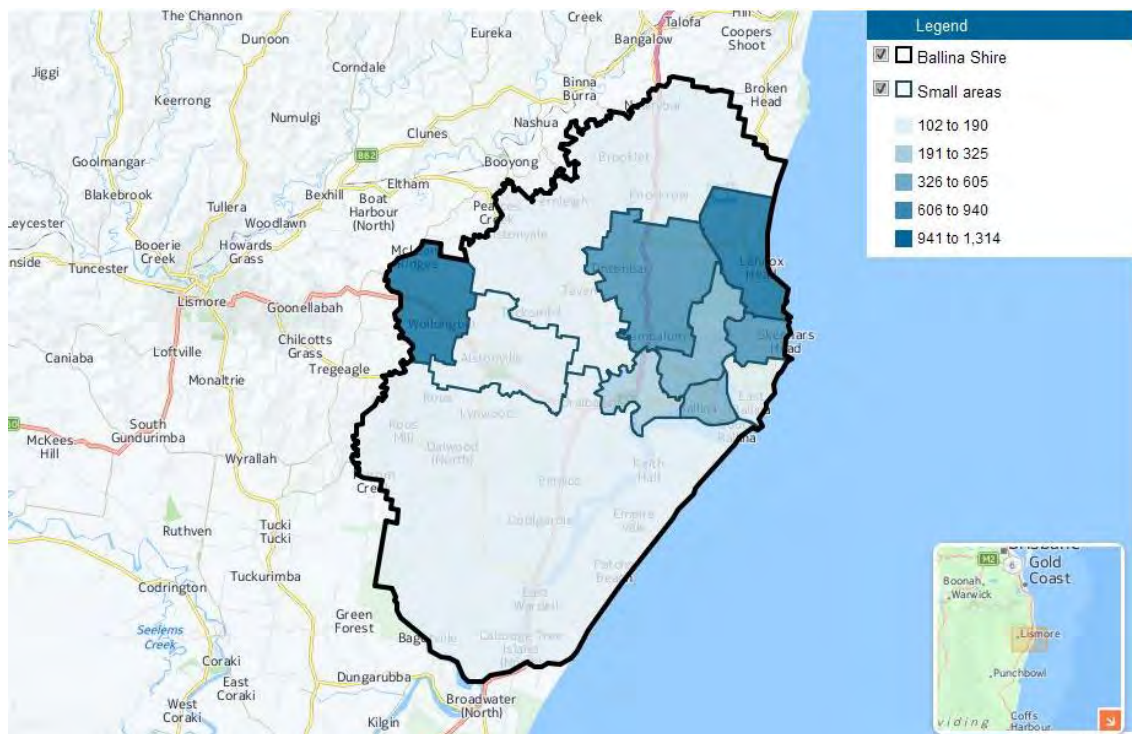
**Table 3 Expected residential development – Ballina Shire – 2016-2036**

Small area	2016	2036	No. growth	% growth
Alstonville	2,578	2,697	+119	+4.6
Ballina (Island)	3,731	4,027	+296	+7.9
Ballina (North)	657	1,074	+417	+63.5
Cumbalum - Tintenbar	795	1,531	+736	+92.5
East Ballina	2,745	2,825	+80	+2.9
Lennox Head	2,907	4,035	+1,128	+38.8
Skennars Head	511	1,110	+599	+117.2
Teven - Newrybar - Rural North	978	1,058	+80	+8.2

<sup>1</sup> Ballina Shire Population and Household Forecasts 2011 to 2036, page 8, available at <http://forecast.id.com.au/ballina>

Small area	2016	2036	No. growth	% growth
Wardell - Rural South	1,523	1,603	+80	+5.3
West Ballina	1,450	1,576	+126	+8.7
Wollongbar - McLeans Ridges	1,116	1,916	+800	+71.7
<b>Ballina Shire</b>	<b>18,991</b>	<b>23,452</b>	<b>+4,461</b>	<b>+23.5</b>

Source: Population and household forecasts, 2016 to 2036, prepared by .id , the population experts, February 2016.



Source: Population and household forecasts, 2016 to 2036, prepared by .id, the population experts, February 2016

**Figure 2 Forecast change in dwellings map – Ballina Shire small areas – 2016-2036**

### Tourist development

Council has no recent published data on the level of occupation of tourist development in the Shire. Tourist development includes a range of uses including Retreats, Bed & breakfast establishments, serviced apartments, hotels, motels, backpackers hostels, caravan parks and camping grounds.

Council’s previous contributions plan<sup>2</sup> however analysed the level of provision and level of occupancy of the Shire’s tourist developments. This analysis is relied upon to determine reasonable contribution rates for tourism developments under this plan.

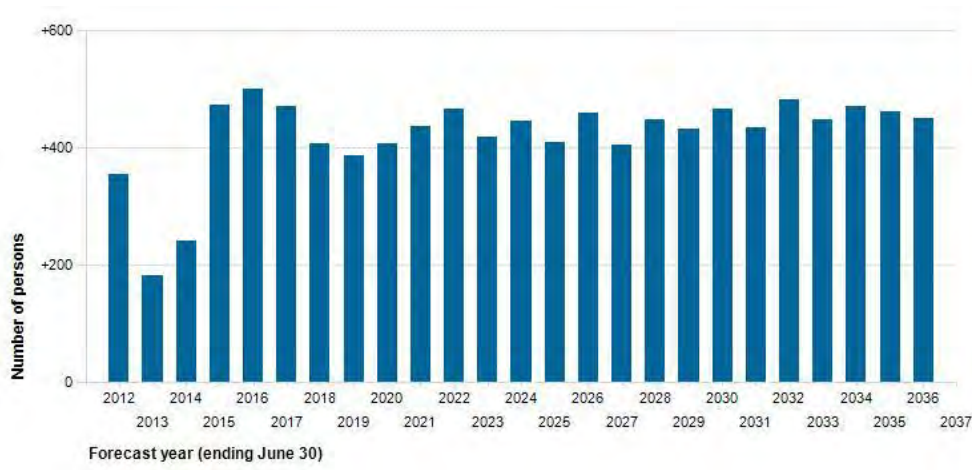
The following key points from that previous plan’s analysis are relevant to this plan:

<sup>2</sup> Ballina Shire Contributions Plan 2008

- Average tourist bed occupancy, representing the occupancy likely to occur between peak and non peak times, was assumed across the Shire to be 50% (or 0.5).
- The occupiers of Ballina Shire tourism developments generate demand for open space and community facilities, but not to the same extent as Ballina Shire residents. Tourists on the other hand may heavily use some facilities (such as larger parks and beaches/coastal reserves) and make little or no use of other facilities (such as community centres and administration offices). It was estimated that, on average, tourist demand for open space and community facilities was two-thirds (or 0.66) that of a permanent resident.
- The average number of occupied tourist beds in the Shire was 2,500. In terms of demand for open space and community facilities, this represented 825 equivalent residents (this is derived from the calculation 50% occupancy x 66% equivalent tourist demand = 0.33).<sup>3</sup>

### 3.1.3 Expected population

The expected residential development, natural growth and migration is likely to lead to an average of 400 people being added to the Shire’s population each year over the next 20 years. Refer to **Figure 3**.

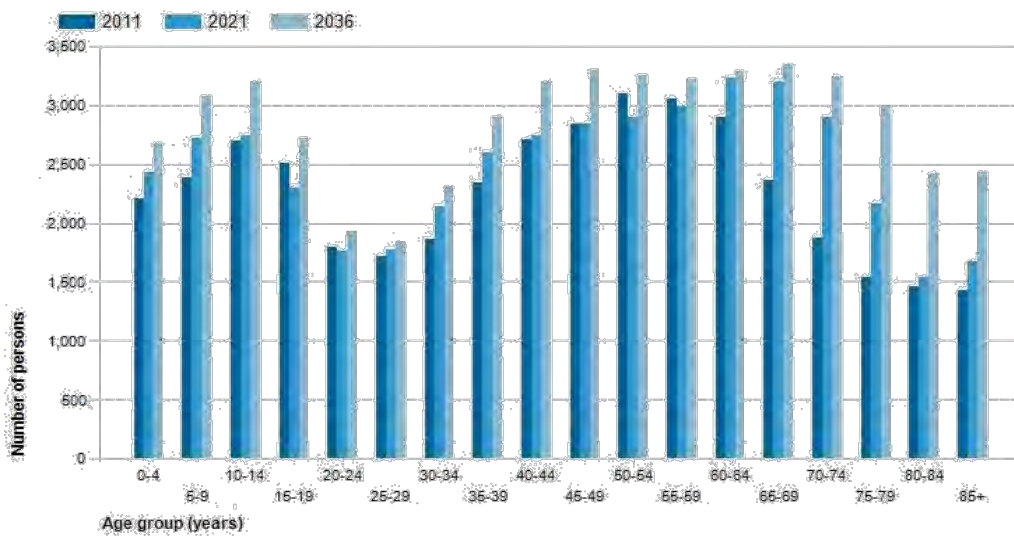


Source: Ballina Shire Population and Household Forecasts 2011 to 2036, page 13, available at <http://forecast.id.com.au/ballina>

**Figure 3 Forecast annual population growth – Ballina Shire – 2011-2036**

<sup>3</sup> Ballina Shire Contributions Plan 2008, pages 21-22

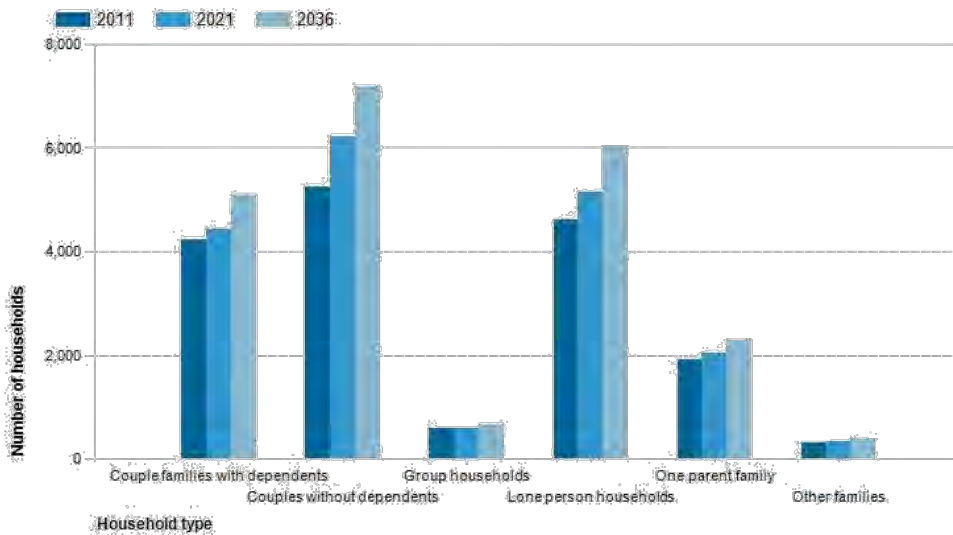
It is anticipated that there will be increases in the numbers of residents in all age groups, although growth will be most significant in persons aged 65 or more. Refer **Figure 4**.



Source: Ballina Shire Population and Household Forecasts 2011 to 2036, page 17, available at <http://forecast.id.com.au/ballina>

**Figure 4 Forecast change in age structure – Ballina Shire – 2011-2036**

Couples with / without dependents and lone person households are the dominant household types in the Shire. This is likely to continue in the future. Refer **Figure 5**.



Source: Ballina Shire Population and Household Forecasts 2011 to 2036, page 23, available at <http://forecast.id.com.au/ballina>

**Figure 5 Forecast change household types – Ballina Shire – 2011-2036**

Most population growth is planned to be accommodated through development of identified 'greenfield sites' including Cumbalum, land around Lennox Head and land adjacent to Wollongbar. Population growth at a lower rate is likely to occur as a result of infill development in established areas.

There are no published forecasts for the anticipated growth in tourists in tourist and visitor accommodation developments and caravan parks. The previous contributions plan assumed that the number of visitors expressed as equivalent residents would grow by 545 between 2007 and 2026. In line with the reduced resident population growth rate now anticipated, this plan assumes that the growth in visitors between 2016 and 2036 will be around 300 equivalent residents.

**Table 4** shows the expected population change across the small areas, as well as the anticipated growth in tourists expressed in terms of equivalent residents.

**Table 4 Anticipated population change – Ballina Shire small areas – 2016-2036**

Small area	2016	2036	No. growth	% growth
Alstonville	5,844	6,168	+324	5.5%
Ballina (Island)	7,136	7,499	+363	5.1%
Ballina (North)	1,580	2,500	+920	58.2%
Cumbalum - Tintenbar	2,336	4,234	+1,899	81.3%
East Ballina	5,741	5,498	-243	-4.2%
Lennox Head	6,721	8,762	+2,041	30.4%
Skennars Head	1,214	2,373	+1,158	95.4%
Teven - Newrybar - Rural North	2,365	2,525	+160	6.8%
Wardell - Rural South	3,676	3,716	+40	1.1%
West Ballina	3,078	3,273	+195	6.3%
Wollongbar - McLeans Ridges	2,815	4,759	+1,944	69.1%
Visitors in tourist establishments (equivalent residents)	825	1,125	+300	36.4%
<b>Ballina Shire</b>	<b>43,331</b>	<b>52,432</b>	<b>+9,102</b>	<b>21.0%</b>

Source: Population and household forecasts, 2016 to 2036, prepared by .id , the population experts, February 2016.

**Table 5** shows the total anticipated resident, tourist and visitor population change including / excluding the Cumbalum area. This difference is relevant because Cumbalum developments are levied contributions only for regional facilities under this plan. Cumbalum developments are not levied for the other facilities included this plan because those developments are subject to other contributions plans or planning agreements that provide for similar facilities to serve the expected developments in Cumbalum.



**Table 5 Population change including / excluding Cumbalum**

	2016	2036	Change
Total with Cumbalum	43,331	52,432	9,102
Total without Cumbalum	40,995	48,198	7,203

Includes equivalent residents in tourist developments

Source: Population and household forecasts, 2016 to 2036, prepared by .id , the population experts, February 2016.

### 3.1.4 Development occupancy assumptions

Development contributions under this plan will be calculated by converting the per person contribution rate to a per dwelling rate (for residential development) or per bed / bedroom rate (for tourism development), using the occupancy assumptions in **Table 6**.

**Table 6 Assumed development occupancy**

Development type	Assumed occupancy
Dwelling house or dwelling house lot	2.7 persons per dwelling
3 or more bedroom dwelling	2.7 persons per dwelling
2 bedroom dwelling	1.7 persons per dwelling
0-1 bedroom dwelling	1.3 persons per dwelling
Tourism development	0.33 persons per bed or bedroom

### 3.1.5 Demand for open space and community facilities

The previous contributions plan – *Ballina Shire Contributions Plan 2008* - determined facility demand based on earlier population projections and the open space and community facilities strategies.

That contributions plan included a works schedule for various facilities to meet the demands of an increase in resident and visitor population of 19,300 residents between 2007 and 2026.

Council has reviewed its development and population projections and found that growth in dwellings and residents is likely to occur at a slower rate than previously envisaged.

The facility planning benchmarks contained in the strategies however remain valid, and have been used to inform an updated works schedule and cost apportionment rationale.

Relevant facility benchmarks used in the updated assessment of need are shown **Table 7** over page.

**Table 7 Open space and community facilities planning benchmarks**

Facility type	Planning benchmark
Local parks	0.33 hectares per 1,000 population Embellishment cost equivalent of 1.5 playgrounds per 1,000 population. Minimum size 2,000 square metres. All residents to be within 400 metres of a local park.
District parks	0.5 hectares per 1,000 population Centrally located reserves that may include picnic and social/recreation facilities including picnic shelters, walking opportunities, public art and play equipment etc.
Playing fields and outdoor courts	1.7 hectares per 1,000 population 1.2 full size playing fields per 1,000 population, which includes allowance for sports courts. 1.0 courts per 1,000 population. Minimum 4 ha site for each facility.
Regional open space facilities	0.3 hectares per 1,000 population Centralised sporting and recreation facilities.
Multi-purpose halls	105 m <sup>2</sup> GFA per 1,000 population Minimum size of 250 m <sup>2</sup> GFA, with an auditorium size of approximately 170 m <sup>2</sup>
Libraries	35 m <sup>2</sup> GFA per 1,000 population Areas to be made available for circulation/services and for central library administration.
Surf life saving facilities	17 m <sup>2</sup> GFA per 1,000 population

**Sections 3.2** and **3.3** of this plan summarise the cost of land and works required for each of these open space and community facilities types, the nexus between the development and the infrastructure, and how the contribution rates are calculated.

### 3.2 Works schedule and nexus

The delivery of new open space and community facilities to support Ballina Shire development will include the acquisition of land and carrying out of capital works. Council is also anticipating future expenditure in administering this plan so that it remains valid and the contribution rates remain reasonable.

The following sections describes the scope and total costs of the various items of open space and community facilities that is included in this plan. Further detail on specific items, their estimated costs and staging, and location maps are included in **Appendices A** and **B**.

### 3.2.1 Local parks

Local parks are parks with an area of around 2,000 square metres within walking distance of most residents.

There is sufficient, well-distributed land for local parks across the Shire.

However there will be a need for Council to further embellish local parks to meet the demands of the additional resident population. Existing local parks and new local parks dedicated as part of new subdivisions will be embellished using funds collected under this plan.

The local parks embellishment contribution is based on:

- Providing 1.5 playground equipment sets per 1,000 people, which is the planning standard in the Ballina Shire Open Space Strategy.
- A 2016 indexed cost for each playground of \$61,000.<sup>4</sup>

The local parks embellishment contribution will apply to all new residential development across the Shire except Cumbalum, which is subject to other contributions arrangements.

### 3.2.2 District parks

District parks are large centrally located reserves that may include picnic and other recreation facilities including picnic shelters, walking opportunities, public art and play equipment etc. These parks cater for whole towns and often people will travel from adjacent areas to access the facilities.<sup>5</sup>

There is sufficient, well-distributed land for district parks across the Shire. These areas will also be sufficient to cater for the projected population in 2036 using the standards adopted by Council.

However there will be a need for Council to further embellish district parks to meet the demands of the additional resident population. The following works have been identified for funding under this plan because they are well located to serve surrounding district populations:

- Pop Denison Park, Ballina – implementation of master plan improvements and cycle path
- New Wollongbar district park - skate park
- Wardell foreshore open space improvements - boardwalk facilities and public art

The district parks embellishment contribution will apply to all new residential development across the Shire except Cumbalum, which is subject to other contributions arrangements. This is because district parks users tend to be drawn from a wide area.

### 3.2.3 Playing fields

Playing fields are areas of structured open space designed for formal outdoor sporting activities that principally include soccer, football, rugby, hockey, Australian Football League, baseball and softball fields, cricket ovals, and tennis, netball and basketball courts.

<sup>4</sup> Ballina Shire Open Space Strategy - June 2008, page 14

<sup>5</sup> Ballina Shire Open Space Strategy - June 2008, p14

Based on the findings of the 2008 Ballina Open Space Strategy, Ballina Shire is undersupplied in some types of playing fields and has a spare capacity in other types. In 2008 there was a Shire-wide shortfall of 4.1 hectares of all playing field open space.<sup>6</sup>

A starting point for determining the reasonable contribution new development should make towards playing fields would be to understand the cost of replicating the current rate of provision of these types of facilities.

The existing rate of provision of playing fields open space is 1.64ha / 1000 people.<sup>7</sup> If this rate was applied to the expected additional Shire population to 2036, then a total of 11.8 hectares of playing fields would be required. However, if all of this area was provided for playing fields, some of it (4.1 hectares) would be meeting an existing shortfall, with the remainder (7.7 hectares) being notionally provided for the new population.

Based on a recently prepared contributions plan for a new release area, the average costs to acquire playing fields land and carry out works would be around \$195 per square metre. The total cost of providing 7.7 hectares of new playing fields for the new population would therefore be \$15 million. This equates to a contribution of \$2,084 for each new resident.

In an effort to contain the overall open space contribution rates, rather than flatly replicating existing open space standards Council has instead formulated a targeted land acquisition and works program to meet the future population's playing field needs. This formulation results in a significantly lower contribution. This includes:

- Ballina playing fields – improvements to existing facilities on various fields
- Lennox Head playing fields acquisition and works – expand Skennars Head playing fields
- Wollongbar sports fields acquisition and embellishment, including two rugby grounds and lighting; one cricket oval; six tennis courts and lighting; four netball courts; club house facilities; vehicular and pedestrian access, car and bus parking
- Recoupment of part of the cost of a recently provided synthetic hockey field

The synthetic hockey field has already been provided in advance of development. For this facility a reasonable contribution would be based on the total population that would benefit from the facility. In the case of this plan, that population is the estimated Shire population in 2036 which is expected to be 52,432.

The land and works for future facilities will meet both current unmet and future recreation needs. Council has determined that only a portion (65%) of the estimated costs of these facilities should be met by the expected additional population, to allow for the fact that some of the facilities will be provided to meet current demands. The 65% rate of apportionment reflects the above analysis that 7.7 hectares of the total required planning standard of 11.8 hectares of playing fields would notionally be needed address future needs rather than existing unmet needs.

The overall effect of these two apportionment approaches results in a contribution rate of approximately \$912 for each new resident, or less than half of what Council could reasonably charge if it was to meet all of the future playing fields needs through acquiring and embellishing land.

<sup>6</sup> Ballina Shire Open Space Strategy - June 2008, p15

<sup>7</sup> Ballina Shire Open Space Strategy - June 2008, p15

The playing fields contribution will apply to all new residential development across the Shire except Cumbalum, which is subject to other contributions arrangements. This is because playing fields users tend to be drawn from a wide area.

### 3.2.4 Regional level recreation facilities

Regional recreation facilities are higher order facilities that serve the whole of the Shire's population.

Council will provide new regional recreation facilities and augment existing facilities to meet future needs using section 94 contributions. Council will also use contributions to recoup part of the cost of facilities already provided in advance of development.

To determine a reasonable contribution for regional facilities it is first necessary to separate the future facilities costs from the costs of facilities that have already been provided.

For the regional facilities that have already been provided, a reasonable contribution would be based on the total population that would benefit from the facility. In the case of this plan, that population is the estimated Shire population in 2036, which is expected to be 52,432.

The future facilities will be provided to meet both current unmet and future needs. Council has determined that it would be reasonable to apportion only a third of the estimated costs of these facilities to the expected future population.

This differential approach to recoupment and future facilities results in a contribution rate of approximately \$662 for each new resident. This contribution rate is comparable to what Council could reasonably have charged development if it instead required that new development meet the cost of providing new regional open space at the planning standard of 0.3 hectares per 1,000 people.<sup>8</sup> <sup>9</sup> The targeted embellishment program, rather than a land acquisition program, is a superior strategy as it will avoid the Council having to acquire 2.7 hectares of new open space, and will result in more certainty in delivering the regional facilities needed by the new population.

The future Cumbalum development will generate the same need for the regional facilities, and so the plan requires that Cumbalum developments contribute towards these facilities at the same rate that will apply to other development in the Shire.

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<sup>8</sup> Ballina Shire Open Space Strategy - June 2008, p23

<sup>9</sup> Based on the same average land and works costs previously described for playing fields (\$195 per square metre) and an estimated Shire population growth of 9,102 persons to 2036, the contribution that could be imposed on development to provide the planning standard for regional open space would be \$585 per person.

### 3.2.5 Multi-purpose community centres and meeting halls

Council provides multi-purpose halls and neighbourhood centres to provide for community meetings and gatherings.

In 2008 the Council provided these facilities at a rate of 131 square metres for every 1,000 residents. Council has a planning standard the future populations will be provided multi-purpose floor space at a rate of 105 square metres for every 1,000 residents.<sup>10</sup>

If the expected additional population in new development across the Shire up to 2036 was to be provided with multi-purpose space at this standard, then a total of 756 square metres of new floor space would be required. Based on contemporary costs benchmarks<sup>11</sup>, the cost of this new floor space would be about \$2.84 million.

Council plans to meet current and future multi-purpose community floor space needs by acquiring land, carrying out works and recouping costs in terms of the following:

- Wollongbar community centre building
- Lennox Head community centre
- Lennox Head community hall
- Wardell Memorial Hall improvements

The total cost of all the works is approximately \$6.47 million. This means that the effective works cost apportionment rate applicable to new development is 44% (i.e. \$2.84 million / \$6.47 million).

The local parks embellishment contribution will apply to all new residential development across the Shire except Cumbalum, which is subject to other contributions arrangements.

### 3.2.6 Regional level community facilities

#### Missingham Park amphitheatre improvements

Council has provided an amphitheatre at Missingham Park, Ballina, for community gatherings. This facility predominantly serves the needs of the current population of the Shire. Additional works are required to improve this facility and it is considered that the expected additional population of the Ballina Shire should meet the full cost of this work.

#### Library floor space

Council provides branch and central library services in various buildings across the Shire.

In 2008 the Council provided these facilities at a rate of 35 square metres for every 1,000 residents. This is below the overall standard prescribed in the Library Council of NSW's A guide for Public Library Buildings in NSW – People Places, which is 47 square metres for every 1,000 residents.

If the expected additional population in new development across the Shire up to 2036 was to be provided with library floor space at the current rate of provision, then a total of 318 square metres

<sup>10</sup> Shire of Ballina Community Facilities Strategy – June 2008, p13

<sup>11</sup> IPART, *Local Infrastructure Benchmark Costs*, April 2014, cites a unit cost of \$3,270 per square metre (in Part 14, page 56) plus a contingency allowance for community facilities of 15% (on page 51)

of new floor space would be required. Based on contemporary costs benchmarks, the cost of this new floor space would be about \$1.45 million.

Council will meet the future demand for library services by:

- Recouping part of the cost of the recent extension of the Lennox Head library
- Providing additional flexible library floor space over the life of the plan at the current rate of provision so as to address future needs.

### **Surf life saving facilities**

The contribution rate for surf life saving facilities will be based on both recouping part of the cost of a recently provided facility, and on sharing the cost of planned new floor space.

Council has in recent years undertaken improvements and an enlargement of the Ballina Surf Club. This facility serves residents across the Shire.

As this facility has already been provided, a reasonable contribution would be based on the total population that would benefit from the facility. In the case of this plan, that population is the estimated Shire population in 2036, which is expected to be 52,432.

Council also plans to carry out works to the Lennox Head Surf Club during the life of this plan at a cost of around \$4 million. A reasonable contribution rate for this new facility would be based on the cost of replicating the current provision standard.

In 2008 the Council provided these facilities at a rate of 17 square metres for every 1,000 residents. If the expected additional population in new development across the Shire up to 2036 was to be provided with surf club floor space at the current rate of provision, then a total of 155 square metres of new floor space would be required. Based on contemporary costs benchmarks, the cost of this new floor space would be about \$470,000.

### **Cumbalum development will contribute to regional facilities**

The future Cumbalum development will generate the same need for the regional community facilities, and so the plan requires that Cumbalum developments contribute towards these facilities at the same rate that will apply to other development in the Shire.

#### **3.2.7 Plan administration**

Council has used its resources to draft this contributions plan. It is reasonable for the costs associated with drafting of the plan be recouped through contributions from development covered by this plan.

The costs that Council has incurred include staff time and the commissioning of consultants to prepare the plan.

Additionally, Council is required to manage, monitor and maintain the contributions plan over its life. The effective coordination and administration of the plan will involve many tasks, some of which include:

- Administering the plan generally and ensure that the contributions are used to provide the public facilities for which they were intended and in a manner and time dictated by new development.

- Monitoring the receipt and authorise the expenditure of contributions in respective accounts and the recoupment of the costs of facilities already provided.
- Monitoring and programming works identified in the works schedules.
- Regularly reviewing the works schedules in accordance with levels of contributions received and expended and seek Council's adoption of updated schedules.
- Regularly reviewing the contribution rates to reflect changes to construction costs, land costs, levels of demand, population and demographic changes and recommend to Council amendments where necessary.
- Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.
- Advising Council of appropriate management, expenditure and policy implications regarding development contributions including those arising from legal decisions and State government policy making.
- Assessing whether a credit or reassessment of the contribution may be appropriate in the case of particular developments.
- Reviewing and determining the suitability of proposed works in kind and material public benefits in accordance with the objectives, key principles and works schedules of this plan.
- Preparing and making available the accountability information required by the EP&A Regulation.
- Providing advice to applicants and the general public regarding the operation of the plan.

Consultant studies are also commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions of the contributions plan. Council is also required to engage the services of legal professionals from time to time to assist in the administration of this plan.

As these plan administration costs arise directly as a result of the expected development in the Ballina Shire, it is reasonable that the costs associated with preparing and administering this plan be recouped through development contributions. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for these purposes are determined based on the Independent Pricing and Regulatory Tribunal (**IPART**) benchmark of an allowance equivalent to 1.5% of the cost of construction works identified in this plan.<sup>12</sup>

### 3.3 Contribution rates calculation

Contribution rates for open space and community facilities are calculated on the expected population in the area (both residents and visitors), the costs of each facility, and the portion of the cost that should reasonably be met by the future population.

The contribution formula for all facilities except:

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<sup>12</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, page 63



- multi-purpose community floor space
- future additional library floor space
- future additional surf club floor space

can be expressed as:

$$\text{Contribution per resident or visitor} = \sum \left( \frac{\$INF \times AF}{P_{R+V}} \right)$$

Where:

**\$INF** = the estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the infrastructure items required to meet the development of the Ballina Shire (refer **Table 8**).

**P<sub>R+V</sub>** = The expected total population – both residents and visitors – anticipated to occupy development addressed under this plan and that will generate the demand for each of the open space and community facilities (refer **Table 8**).

**AF** = The apportionment factor, i.e. the portion of the cost of the facility to be met by the population in the development addressed under this plan (refer **Table 8**).

**Table 8** below includes the values to be applied to the formula for determining the per person contribution rates for the various categories of open space and recreation facilities in this plan.

More information facility costs and maps showing the locations of these facilities can be found in **Appendices A and B**.

**Table 8 Values used in the formula to determine contribution rates**

	<b>\$INF</b>	<b>P<sub>R+V</sub></b>	<b>AF</b>
Local parks	\$659,075	7,203	100%
District parks	\$2,917,000	7,203	100%
Playing fields			
Various	\$9,838,210	7,203	65%
Synthetic hockey field	\$996,373	7,203	17%
Regional level recreation facilities			
Fawcett Park works (recoupment)	\$3,300,000	9,102	17%
Captain Cook Park works (recoupment)	\$3,150,000	9,102	17%
Coastal Cycleway (part recoupment)	\$3,600,000	9,102	17%
Ballina skatepark stages 1 and 2 (recoupment)	\$234,776	9,102	17%
Ballina skatepark (Stage 3)	\$400,000	9,102	33%

	\$INF	P <sub>R+V</sub>	AF
Ballina Island foreshore recreation works: Missingham Park / The Serpentine / Pioneer Memorial Park	\$1,500,000	9,102	33%
Lennox Head and Lake Ainsworth foreshore recreation works	\$1,000,000	9,102	33%
Regional boating facilities and ancillary infrastructure	\$490,000	9,102	33%
Indoor sports and events complex	\$9,350,000	9,102	33%
Regional level community facilities			
Missingham Park amphitheatre improvements	\$800,000	9,102	100%
Lennox Head library expansion (recoupment)	\$1,500,000	9,102	17%
Ballina Surf Life Saving club expansion (recoupment)	\$3,149,000	9,102	17%

The contribution rate for multi-purpose community floor space, future additional library floor space and future additional surf club floor space can be expressed as:

$$\text{Contribution per resident or visitor} = \sum \left( \frac{\text{FS}_{\text{Facility}} \times \text{\$SqM}}{P_{R+V}} \right)$$

Where:

FS<sub>Facility</sub> = The total floor space required for the type of facility, as assessed against the Council's planning benchmarks. (refer **Table 9**).

\$SqM = The assumed cost per square metre to provide the floor space, based on the Local Infrastructure Benchmark Costs report prepared by IPART in April 2014<sup>13</sup>, and including a contingency amount of 15% (refer **Table 9**).

P<sub>R+V</sub> = The expected total population – both residents and visitors – anticipated to occupy development addressed under this plan and that will generate the demand for each of the open space and community facilities (refer **Table 9**).

<sup>13</sup> The cost of the surf life club works are not based on the IPART benchmarks, but the actual cost of providing the enlargements to Ballina Surf Club – i.e. \$2,652 per square metre of floor area. a contingency amount of 15% was also added to the surf club floor area unit cost rate.

**Table 9 Values used in the formula to determine contribution rates**

	$FS_{\text{Facility}}$	\$SqM	$P_{R+V}$
Multi-purpose community centres and meeting halls	756	\$3,760.50	7,203
Additional flexible library floor space to meet future needs	318	\$4,577.00	9,102
Lennox Head surf club works	155	\$3,049.80	9,102

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents or, in the case of tourism development, the proposed number of beds or bedrooms<sup>14</sup> in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rates shown in **Table 6**.

<sup>14</sup> In the case of hotels, motels and serviced apartments, each bedroom is assumed to contain 1 bed.

## 4. How and when will contributions be imposed on developments?

### 4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a Complying Development Certificate (**CDC**), and subject to other provisions of this plan, to impose a condition requiring a contribution under section 94 of the EP&A Act on that approval for:

- the provision, extension or augmentation of open space and community facilities to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing open space and community facilities.

Accredited certifiers should also refer to **Section 4.6** of this plan as to their obligations in assessing and determining applications.

### 4.2 Land contributions

This plan authorises the Consent Authority, other than an accredited certifier<sup>15</sup>, when granting consent to an application to carry out development to which this plan applies, to impose a condition under section 94(1) of the EP&A Act requiring the dedication of land free of cost to Council for the provision, extension or augmentation of open space and community facilities to be provided by Council.

Wherever land required under this plan is situated within a development site, the Consent Authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan. Council may at its discretion offset the value of the land against contributions for the same facility category.

The value of the land to be dedicated free of cost will be the value of the land listed in this plan, or a value agreed between the parties.

### 4.3 Cap on monetary section 94 contributions for residential development

On 21 August 2012 the Minister for Planning issued a Direction that caps section 94 contributions for residential development.

The Direction requires, in terms of residential developments proposed on land in the Ballina Shire, that Council (or s planning panel) must not grant development consent subject to a condition under section 94 (1) or (3) of the EP&A Act requiring the payment of a monetary contribution that:

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<sup>15</sup> Note: the EP&A Act does not allow an accredited certifier other than a Council to impose a condition requiring the dedication of land free of cost.

- (a) in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or
- (b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.

On 19 June 2013 the Minister for Planning issued a further Direction to Council that caps section 94 contributions for residential development on land identified as Cumbalum Urban Release Area Precinct A (as shown in **Figure 1**) to \$30,000 for each dwelling or residential lot authorised by the consent.

This plan is consistent with both of these Directions in that it authorises section 94 contributions on residential development not to exceed the relevant cap.

Where the sum of the contributions for a particular development calculated under this plan and any other contributions plan adopted by the Council exceeds \$20,000 per residential lot or dwelling, or in the case of Cumbalum Urban Release Area Precinct A exceeds \$30,000 per residential lot or dwelling, the total amount included in the consent shall not exceed the relevant cap.

#### **4.4 Contributions to only reflect net increase in infrastructure demands**

In order for contributions to be reasonable, the Consent Authority shall only impose a section 94 contribution on a development that reflects the net increase in the demand for open space and community facilities included in this plan.

The net increase in infrastructure demand is calculated by subtracting the existing resident and visitor population of the development site from expected resident and visitor population of the proposed development using the assumptions contained in **Table 6** of this plan. Any existing population on a development site shall be assumed to have an infrastructure demand credit.

The existing population on a development site, if any, shall only be determined by the Council in accordance with the assumptions in this plan. Accredited certifiers shall seek Council's written advice on the infrastructure demand credit, if any, applying to a Complying Development Certificate.

#### **4.5 Latest rates to be used**

The section 94 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 94 contribution rates shown in **Table 2** reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

## 4.6 Obligations of accredited certifiers

### 4.6.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

#### Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 94 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 94(6) of the EP&A Act such as that envisaged in **Section 4.4** of this plan, or an exemption or part or the whole of the development under **Section 2.5** of this plan, the accredited certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in Table 1 of this plan taking into account any exempt development specified in **Section 2.5** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed open space and community facilities demand relating to existing development.

#### Terms of a section 94 condition

The terms of the condition required by this section are as follows:

##### Contribution

*The developer must make a monetary contribution to Ballina Shire Council in the amount of \$[insert amount] for the purposes of the open space and community facilities identified in the Ballina Open Space and Community Facilities Contributions Plan 2016.*

*Local parks* \$[insert amount]

*District parks* \$[insert amount]

<i>Playing fields</i>	[\$insert amount]
<i>Regional level recreation facilities</i>	[\$insert amount]
<i>Multi-purpose community centres and meeting halls</i>	[\$insert amount]
<i>Regional level community facilities</i>	[\$insert amount]
<i>Plan administration</i>	[\$insert amount]

Indexation

*The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

*Where:*

*\$\$C\_C is the contribution amount shown in this certificate expressed in dollars*

*CPI\_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution*

*CPI\_C is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate*

*Note: The contribution payable will not be less than the contribution specified in this certificate.*

Time for payment

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.*

Works in kind agreement

*This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.*

#### 4.6.2 Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

#### 4.7 Variation to contributions authorised by this plan

The Council may, after considering a written application, reduce the section 94 contribution otherwise calculated in accordance with the provisions of this plan.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

An accredited certifier other than the Council cannot vary a section 94 contribution calculated in accordance with this plan, without Council's written approval.



## 5. How and when can a contribution requirement be settled?

### 5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals area required – before the development consent is issued.
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works above the floor level of the ground floor.
- For works authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by section 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contributions amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

### 5.2 Process for deferred payments

Council may accept a written request for the deferred or periodic payment of a section 94 contribution if the applicant (including any other person entitled to act upon the relevant consent) satisfies Council that:

- Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case, or would cause the applicant undue hardship, and
- Deferred or periodic payment will not prejudice the timing or the manner of the provision of the open space and community facilities for which the contribution was required, and
- There will be no prejudice to the community deriving benefit from the public amenity or service required by the proposed development, and
- There will be no prejudice to the operation of this contributions plan.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

Council may accept deferred or periodic settlements of contributions over a maximum period of 5 years from the date on which the contribution would otherwise be payable by way of equal six monthly instalments (plus interest and Council charges), or as otherwise agreed to by Council.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the amount of the contribution, or the outstanding balance, plus any interest or charges required by Council, on condition that:

- (a) the bank guarantee requires the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing if the applicant has defaulted on the payment of the

contribution, or any instalment of the contribution (including interest and Council charges), under the terms of their deferred or periodic payment agreement with Council,

(b) the guarantee prohibits the bank from:

- i. having recourse to the applicant or other person entitled to act upon the consent, and
- ii. having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount,

(c) the bank's obligation under the guarantee is discharged:

- i. when payment is made to Council in accordance with the terms of the bank guarantee, or
- ii. if the related consent lapses, or
- iii. if Council otherwise notifies the bank in writing that the bank guarantee is no longer required, and

(d) the applicant pays to Council:

- i. interest on the contribution, or the outstanding balance, at the overdraft rate on and from the date when the contribution would have been otherwise payable, and
- ii. an administration charge of 2% on the contribution, or the outstanding balance, at the end of each six monthly period,

such payments to be made when each instalment of the contribution is due.

Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under section 88E of the Conveyancing Act 1919 to be registered on the title to the land to which the relevant application relates.

Where Council agrees to a request for deferred or periodic payment, the applicant will be required to lodge a section 96 application to modify the development consent to specify the new payment arrangements.

### **5.3 Can the contribution be settled by dedicating land or undertake works?**

#### **5.3.1 Written offer to enter into an agreement**

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 94 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.
- If the developer has already received a development consent containing a condition requiring a section 94 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Plans of the proposed works are to be prepared and submitted by the applicant. Retrospective works in kind agreements will not be accepted.

### **5.3.2 Matters that will be considered by Council**

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

Factors that Council will take into consideration in making its decision will include the following:

- The value of the works and/or dedication of land is at least equal to the value of the contribution that would otherwise be required under this plan.
- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction.
- Whether the acceptance of the works and/or dedication of land will prejudice the timing or the manner of the provision of public facilities included in the works program of this plan.
- The extent to which works and/or dedication of land satisfies a demonstrated community need.
- The extent to which the works and/or dedication of land satisfies the purpose for which the contribution was sought.
- The conditions applying to the transfer of the asset to the Council are to Council's satisfaction.
- The financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need to make up for any shortfall in contributions by its acceptance of the offer).
- The overall benefit of the proposal.

Should an offer of works in kind or land dedication be accepted, Council will establish with the applicant the following as relevant:

- The value of the offered land or works to be used in the calculation of any offset of monetary section 94 contributions
- An acceptable standard for workmanship and materials
- Timing of inspection of works in progress
- A program for completion of the works or dedication of the land
- An appropriate defects liability period.

### 5.3.3 Valuation of land and works for the purposes of offsetting monetary contributions

The value of any land or works offered by the applicant and accepted by the Council may be used by the Council to calculate the amount of offset of monetary contributions required under this plan.

If an offset is granted it will be because the applicant has agreed to provide land and / or works that are contained in this plan's works schedule (**Appendix A**). Offsets will not be granted in exchange for developers providing material public benefits unrelated to the Council's section 94 program.

The value of works offered as works-in-kind is the attributable cost of the works listed in this plan (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan to the time the agreement is entered into.

Similarly, the value of land will be the attributable cost of the land under this plan indexed in accordance with this plan to the time the agreement is entered into.

## 6. Other administration matters

### 6.1 Relationship of this plan to other contributions plans

This plan repeals *Ballina Shire Contributions Plan 2008*.

This plan however does not affect development consents containing requirements for developments to make contributions under *Ballina Shire Contributions Plan 2008*.

Contributions imposed on developments under *Ballina Shire Contributions Plan 2008* and paid to Council will be applied to the open space and community facilities listed in that plan.

### 6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC submitted after the date on which this plan took effect.

A development application or application for a CDC that was submitted, but not yet determined, on or before the date on which this plan took effect, shall be assessed under the contributions plan or plans that applied at the date of submission of the application.

### 6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

#### 6.3.1 Contribution rates in this plan

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the contribution rates set out in this plan to reflect quarterly movements in the value of land acquisition and works.

The Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates.

#### 6.3.2 Contribution amounts in consents

A monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

### 6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the works schedule to this plan.

## 6.5 Accountability and access to information

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's Administration Office and may be inspected upon request.

## 6.6 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in Ballina Local Environmental Plan 2011 or the EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

**Attributable cost** means the estimated cost for each item in the works schedules set out in Appendix A of this Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

**CDC** means complying development certificate.

**Consent Authority** has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

**Council** means Ballina Shire Council.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000.

**LGA** means local government area.

**Ballina Shire** means all of the land in the Ballina Local Government Area.

## **APPENDIX A**

### **Works schedule**

## WORKS SCHEDULE

No.	Item	Total amount	Amount apportioned to growth (\$INF)	Apportionment factor (AF)	Demand divisor (P <sub>R+V</sub> )	\$ per person	\$ per lot	Staging
<b>OPEN SPACE AND RECREATION ITEMS</b>								
<i>Local parks</i>								
1	Local parks embellishment	\$659,075	\$659,075	100%	7203	\$91.50	\$247.04	On-going over the life of the plan
<i>District parks</i>								
2	Ballina district park embellishment (Pop Denison Park) and cycleway connection to North Wall	\$1,867,000	\$1,867,000	100%	7203	\$259.19	\$699.80	Stage 1 2016-2021, Stage 2 2021-2026
3	Wollongbar district park embellishment (including skatepark)	\$1,000,000	\$1,000,000	100%	7203	\$138.83	\$374.83	Stage 1 2016-2021, Stage 2 2021-2026
4	Wardell foreshore open space improvements - boardwalk facilities and public art	\$50,000	\$50,000	100%	7203	\$6.94	\$18.74	2016-2021
<i>Playing fields</i>								
5	Ballina playing fields – improvements to existing facilities on various fields	\$2,000,000	\$1,300,000	65%	7203	\$180.47	\$487.28	On-going over the life of the plan
6	Lennox Head playing fields acquisition – Acquisition of 2.5ha of land to expand Skennars Head playing fields	\$950,000	\$617,500	65%	7203	\$85.72	\$231.46	Land acquired - facility yet to be completed
7	Lennox Head playing fields embellishment – Skennars Head playing fields works	\$1,300,000	\$845,000	65%	7203	\$117.31	\$316.73	2016-2021
8	Plateau playing fields acquisition – 13.29ha for Wollongbar sports fields	\$1,588,210	\$1,032,337	65%	7203	\$143.31	\$386.95	Land acquired - facility yet to be completed
9	Plateau playing fields embellishment – for Wollongbar sports fields: two rugby grounds and lighting; one cricket oval, six tennis courts and lighting; four netball courts; club house facilities; vehicular and pedestrian access, car and bus parking	\$4,000,000	\$2,600,000	65%	7203	\$360.95	\$974.55	2016
10	Synthetic hockey field (recoupment)	\$996,373	\$172,961	17%	7203	\$24.01	\$64.83	Completed



## WORKS SCHEDULE

No.	Item	Total amount	Amount apportioned to growth (\$INF)	Apportionment factor (AF)	Demand divisor (P <sub>R+V</sub> )	\$ per person	\$ per lot	Staging
<i>Regional facilities</i>								
11	Fawcett Park works (recoupment)	\$3,300,000	\$572,850	17%	9102	\$62.94	\$169.93	Completed
12	Captain Cook Park works	\$3,150,000	\$546,812	17%	9102	\$60.08	\$162.21	Stage 1 2016-2021, Stage 2 2021-2026
13	Coastal Cycleway (part recoupment)	\$3,600,000	\$624,928	17%	9102	\$68.66	\$185.38	2016-2021
14	Ballina skatepark stages 1 and 2 (recoupment)	\$234,776	\$40,755	17%	9102	\$4.48	\$12.09	Completed
15	Ballina skatepark (Stage 3)	\$400,000	\$133,333	33%	9102	\$14.65	\$39.55	2021-2026
16	Ballina Island foreshore recreation works: Missingham Park / The Serpentine / Pioneer Memorial Park	\$1,500,000	\$500,000	33%	9102	\$54.93	\$148.32	On-going over the life of the plan
17	Lennox Head and Lake Ainsworth foreshore recreation works	\$1,000,000	\$333,333	33%	9102	\$36.62	\$98.88	On-going over the life of the plan
18	Regional boating facilities and ancillary infrastructure	\$490,000	\$163,333	33%	9102	\$17.95	\$48.45	2016-2021
19	Indoor sports and events complex	\$9,350,000	\$3,116,667	33%	9102	\$342.42	\$924.54	Stage 1 2016-2021, Stage 2 2021-2026
<b>COMMUNITY FACILITIES ITEMS</b>								
21	Wollongbar community facilities – community centre building	\$900,000						2021-2026
22	Lennox Head Community Centre (Williams Reserve)(recoupment)	\$3,560,000			7203	\$394.67	\$1,065.61	Completed
23	Lennox Head community hall	\$1,980,000						2016-2021
24	Wardell Memorial Hall improvements	\$30,000						2016-2021
<i>Regional facilities</i>								
25	Missingham Park amphitheatre improvements	\$800,000	\$800,000	100%	9102	\$87.89	\$237.32	2021-2026
26	Lennox Head library expansion (recoupment)	\$1,500,000	\$260,387	17%	9102	\$28.61	\$77.24	Completed
27	Additional flexible library floor space to meet future needs	\$1,458,095	\$1,458,095		9102	\$160.20	\$432.54	2026-2036
28	Ballina Surf life saving club additional floor space (recoupment)	\$3,149,000	\$546,638	17%	9102	\$60.06	\$162.16	Completed
29	Lennox Head surf club works	\$4,000,000	\$471,908		9102	\$51.85	\$139.99	2021-2031
<b>ADMINISTRATION FOR S94 WORKS</b>						\$39.38	\$106.32	

## **APPENDIX B**

### **Works location maps**

## Location of Works Plans

### Explanatory Notes

1. Plans 1, 2, 3, 4 & 5 show the location of the works the subject of the s.94 plan, where the works location is known at the time of the adoption of the plan.
2. The location for the following works listed in the s94 plan was not known at the time of the adoption of the plan:
  - 21. Wollongbar Community Facilities – Community Centre Building
  - 23. Lennox Head Community Hall
  - Additional flexible library floor space to meet future needs
3. Local park embellishment works do not relate to specified sites. Such works will occur in various locations as required.
4. Regional boating facilities and ancillary infrastructure works do not relate to specified sites. Such works will occur in various locations as required.



**Ballina Shire Open Space & Community Facilities Contributions Plan 2016**  
**Plan 1: Location of Works, Ballina/East Ballina**



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**Ballina Shire Open Space & Community Facilities Contributions Plan 2016**  
**Plan 2: Location of Works, Ballina**



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**Balina Shire Open Space & Community Facilities Contributions Plan 2016**  
**Plan 3: Location of Works, Skennars Head / East Ballina**



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**Ballina Shire Open Space & Community Facilities Contributions Plan 2016**  
**Plan 4: Location of Works, Wollongbar**



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**Ballina Shire Open Space & Community Facilities Contribution Plan 2016  
Plan 5: Location of Works, Wardell**



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