



Ballina CBD Car Parking Contribution Plan

**Plan No: 4
Version 3
November 2004
Adopted: 25 November 2004**

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EXECUTIVE SUMMARY

This Contributions Plan enables Ballina Shire Council to levy s.94 developer contributions for the provision of car parking within the Ballina Central Business District.

Approved developments will normally provide off street parking on a development site in accordance with Development Control Plan No.1, Policy Statement No 2. Where a development does not meet the requirements of this Policy Statement with regard to the number of on site car parking spaces, Council may require a contribution in accordance with this Plan. The contribution will be used to fund an equivalent number of public car parking spaces elsewhere in the Ballina CBD.

The proposed life of this Contribution Plan is 15 years. The Contribution Plan will be reviewed on a regular basis to monitor car parking and development trends within the Ballina CBD.

Summary of Works Schedule

The Contribution Plan identifies 190 additional car parking spaces to be developed within the CBD. The proposed staging and capital cost of these car-parking facilities is provided in the table below. The capital costs include design, construction and land costs.

<i>Year</i>	<i>Capital Works/Expenditure</i>	<i>Total Costs \$</i>	<i>No of spaces</i>
2004	Tamar Street Land Acquisition	\$1,600,000	70
2006	Tamar Street Design and Construction	\$200,000	
2014	Wigmore Arcade Multi Storey Car Park – Design and Construction	\$1,850,000	120 (additional)
Total		\$3,650,000	190

The construction of public car parking areas from contributions to this Plan is subject to sufficient contributions being received to fund the proposed works. The works schedule may vary according to development trends within the Ballina CBD.

Contribution Rate

This Plan proposes car-parking contributions that are based on an average cost of land acquisition and construction per car parking space.

For non-residential development within the Ballina CBD that does not meet the car parking requirements of DCP 1, the contribution rate per unsupplied car parking space is **\$24,300**.

This contribution rate is current at the date of commencement of this Plan and is subject to indexation in accordance with Section 5.2. Current contribution rates are listed in Council's Annual Fees and Charges document.

1. INTRODUCTION

1.1 Name of Plan

This Section 94 Plan is known as **Ballina Shire Council Section 94 Plan No 4 - Ballina CBD Car Parking, Version 3.**

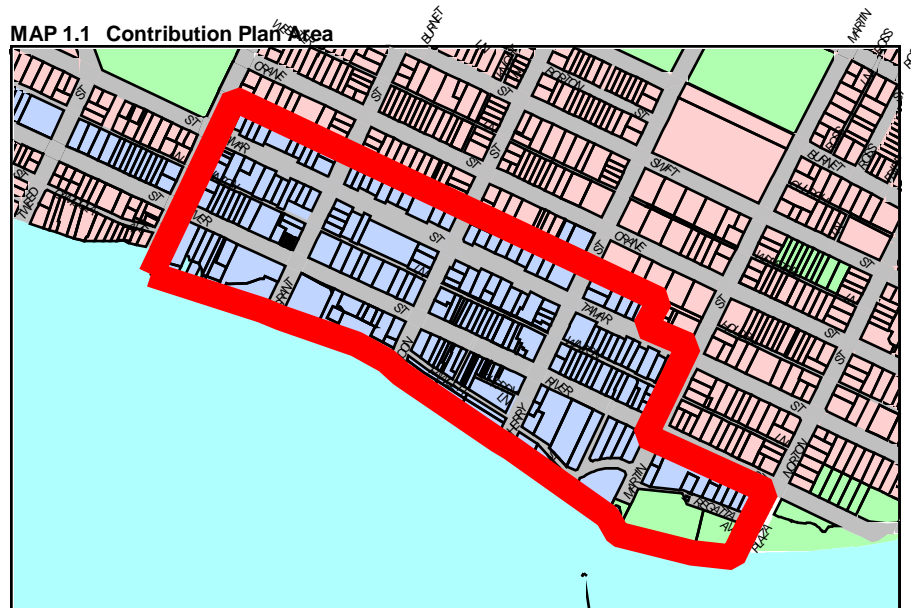
This plan applies to non-residential development within the Ballina Central Business District.

This Contribution Plan has been prepared in accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 4 of the *Environmental Planning and Assessment Regulation 1994* (Regulations).

1.2 Land to which this Plan Applies

This plan applies to land east of Kerr Street within the Central Business District of Ballina as outlined in Illustration 1.1.

The plan applies only to land zoned Business that is being developed for non-residential purposes.



1.3 Date of Commencement of the Plan

Council adopted this Contribution Plan on 25 November 2004

This Plan came into effect on 2 December 2004 which is the date the adoption of the Plan was notified in the local newspaper

This Plan will apply to all Development Applications determined on or after that date the Plan came into effect.

1.4 Life of the Plan

Contribution Plan No.4 has been prepared to have a life of 15 years and will be reviewed as detailed in Section 5.5.

1.5 Purpose of the Plan

The purpose of this Plan is to enable Ballina Shire Council to levy s.94 developer contributions for the provision of car parking that is required as a consequence of development within the Ballina CBD.

Non-residential developments will normally provide off street parking on the development site in accordance with the *Development Control Plan No.1, Policy Statement No 2*. Where a development does not provide the required number of car parking spaces on site, Council may require a contribution towards provision of an equivalent number of public car parking spaces within the Ballina CBD in accordance with this Plan.

The Plan is based on the principle that developers should pay a contribution equivalent to the cost of land acquisition and construction to supply the shortfall of car parking spaces elsewhere in the CBD.

Other purposes of this Plan are to:

- To determine contribution rates and ensure adequate funding to acquire land and construct public facilities;
- To ensure that an adequate level of public car parking is provided throughout the Ballina LGA;
- To identify public amenities and services relating to car parking that Council intends to provide and to establish the relationship between new development and the intended car parking proposals;
- To ensure that the existing community is not burdened by the provision of public car parking required as a result of shortfalls in the provision of onsite car parking by non-residential development;
- To provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the Ballina Shire;
- To satisfy the requirements of the EP&A Act and EP&A Regulations.

1.6 Relationship to other plans and policies

This contribution plan supersedes all previous contribution plans relating to car parking within the Ballina CBD.

This Contribution Plan should be read in conjunction with Ballina Shire Council *Development Control Plan No.1, Policy Statement No 2 – Car Parking and Access*.

1.7 How does this Plan Operate?

In determining a development application, Council may impose a condition requiring payment of a monetary contribution for car park spaces that cannot be provided on site in accordance with the requirements of Development Control Plan No. 1.

Contributions are generally calculated as an amount per unsupplied car parking space.

Partial contributions will be accepted where the on site car parking requirements do not equate to a whole number. For example, if a development is required to contribute towards 1.25 spaces of public car parking, the contribution charge will be determined by '1.25x \$Cont_{space}'.

2. BACKGROUND

This Contribution Plan proposes to fund off street car parking to service the Ballina CBD. The Plan's Works Schedule includes acquisition of land in Tamar Street and construction for car parking on the acquired site. The Plan also proposes to fund construction of a future multi-storey car park at the Wigmore Arcade car park site.

This section provides background to the development of this parking strategy.

2.1 2003 Car Parking Capacity

Various surveys have been undertaken over time by Council to determine the supply and utilisation of car parking within the Ballina CBD.

In 2003 the existing supply of car parking within the Contribution Plan Area was:

TABLE 2.1 2003 Car Parking Supply

On street car parks	891
Off Street car parks	1550
Total	2441

In July 2003 a car parking performance review of on street car parking within the Ballina CBD was undertaken by consultants Eppell Olsen & Partners. This study concluded that although existing parking occupancy rates in some locations within the CBD were high, average and peak parking occupancies for the entire study area demonstrated sufficient spare capacity to serve existing levels of development.

This Contribution Plan aims to ensure that future development does not reduce the existing car parking availability within the Ballina CBD.

2.2 Previous Contribution Plan

Council has had a section 94 car parking contribution plan for the Ballina CBD in place since 1993. This Contribution Plan supersedes the previous plan.

Historically car-parking requirements have largely been met on site by new development and until recent years few contributions have been paid under the previous plan. The number of contributions paid for car parking is however expected to increase over the life of this Plan due to increasing difficulty providing car parking on development sites, particularly as redevelopment occurs along the riverfront.

The previous contribution plan identifies that the off street car parking area at 89 Tamar Street was to be funded via developer contributions.

The site at 89 Tamar Street was originally acquired by Council's Land Development Fund and is currently used for informal parking. Parking studies indicate there is no parking shortfall in the immediate area.

This Contribution Plan includes acquisition of land in Tamar Street for the purpose of car parking. This may involve acquisition of 89 Tamer Street or it may involve acquiring an alternate site. If 89 Tamer Street is not acquired for

car parking from the contribution fund, Council may choose to develop the site for other purposes.

Existing car-parking contributions held in reserve by Council will be used towards the development of the car parking facilities outlined within this Plan.

2.3 Ballina CBD Off Street Car Parking Study

In August 2004 Eppell Olsen & Partners completed the Ballina CBD Off Street Parking Study. This study examined potential commercial growth and existing and future car parking supply within the Ballina CBD. Based on analysis of each blocks potential growth and car parking surplus/deficiency recommendations were made regarding the most appropriate locations for a multi storey car park.

Based on this analysis the most appropriate location for a future parking structure would be within the block bordered by River Street, Moon Street, Cherry Street and Winton Lane. However this block forms part of the core of the Ballina CBD hence it was suggested that it is not appropriate to use this valuable land for car parking. The study recommended that the block immediately north of the site would however be appropriate; this area is shown on Map 2.1.

MAP 2.1 Suitable Sites for a multi storey car park



The car parking study also assessed four sites for their suitability for a multi-storey car park. It concluded that of these sites, the most suitable site was the Wigmore Arcade car parking area. This site was identified as the most desirable location for the following reasons:

- § *It is relatively close to the core CBD area, where the future demand for car parking is estimated to be;*
- § *Quality pedestrian connections between the site and River Street are already in place;*

- § *The existing car park is already well utilised, indicating it is a location where people want to park;*
- § *The sites size is conducive to a multi-level car park (ie the larger size allows effective circulation to occur).*

Whilst the off-street car parking study specifically addressed the Wigmore Arcade car park it is considered that any land located within this block would be suitable providing quality pedestrian connections where made available to River Street.

The necessary timing of additional parking facilities is difficult to predict as it is not possible to determine which developments will provide car parking on site and which will choose to pay contributions. The study assumed that generally 5% of onsite car parking requirements will be met through contributions with this rate rising to up to 20% for developments along the riverfront. Based on these assumptions it was determined that a car parking facility comprising between 100 and 150 additional spaces would be desirable at the year 2014.

2.4 Nexus

Nexus is the relationship between the expected types of development in the area and the demand for additional public facilities created by those developments. Three aspects of nexus which must be identified are casual, physical and temporal.

Casual Nexus

Casual nexus requires that the need for the service or facility being levied must be as a result of the development which is to be levied.

New business development, or intensification of existing business development, will generate a demand for additional car parking within the locality of the development. The number of spaces required to meet this demand varies in accordance with the type and extent of the proposed development and is regulated by DCP No.1 – Policy Statement No. 2.

Generally parking required in association with a development will be provided on site. However, there are circumstances where it is not possible or is not desirable for all or part of the parking to be provided on the development site. In such cases Council may offer the alternative of requiring contributions for provision of an equivalent number of public car parking spaces within the locality of the development. These elements satisfy the requirements of casual nexus.

Physical Nexus

Physical nexus requires that the facility or service be located so as to serve the needs of those who create the demand for it.

Contributions collected in accordance with this Plan will be used to develop public car parking within the Contribution Plan Area. Acceptance of contribution monies from a development does not imply parking will be provided in the immediate vicinity of the development site. Parking funded by

this Plan will be used to add to the overall stock of parking within the Ballina CBD.

This Plan identifies Tamar Street, between Martin and Grant Street, for the acquisition of land and development of off street car parking within the CBD area. These locations are within easy walking distance to the CBD core. Parking in Tamar Street also provides convenient access to the lower intensity commercial and professional office developments surrounding the CBD core.

Temporal Nexus

Temporal nexus requires that the service or facility be provided in a timely manner to benefit those who have contributed towards it.

This Contribution Plan proposes to fund two separate off street car parks. The timing of these facilities is discussed below:

- i. Off Street Car Park Tamar Street – Acquisition of land and construction of car parking in Tamar Street will be dependant on land purchase opportunities. The works schedule includes the acquisition of land in 2005.
- ii. Multi–Storey Car Park - The works schedule includes the provision of a multi-storey car park in the year 2014.

If contributions for car parking are not received at the rate estimated by this Plan construction of car parking facilities will be deferred until there are sufficient contributions available to economically construct the proposed facilities. If contributions are received at a faster rate than anticipated parking facilities within the works schedule may be brought forward.

3. WORKS & COSTS COVERED BY THIS PLAN

3.1 Works included in Plan

Costs covered by this Plan include:

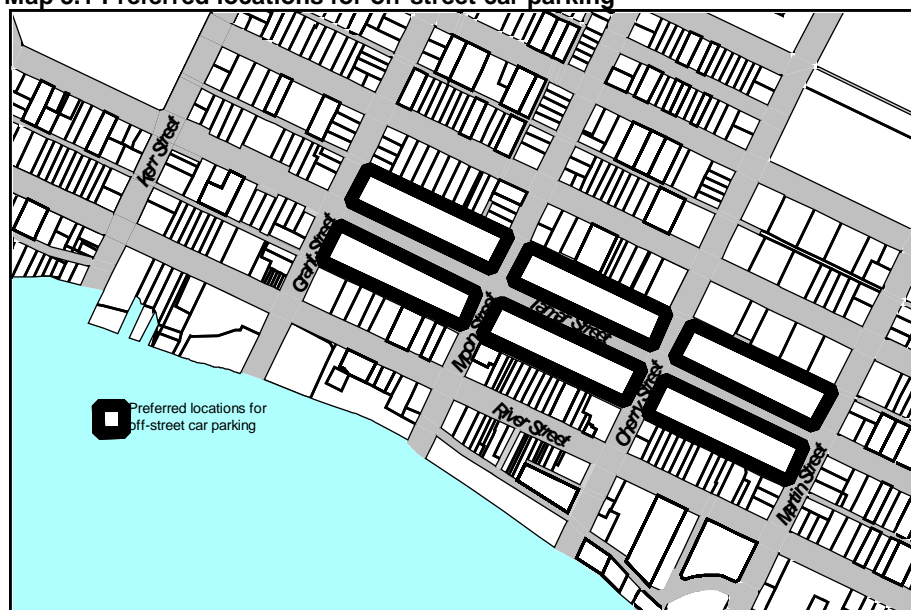
- Land cost for future provision of parking;
- The cost of demolition or relocation where the land contains existing buildings;
- The construction of parking, including the provision of landscaping, stormwater management and facilities to ensure safe access and use the parking spaces;
- Survey, design and project management of the parking facilities;
- The costs of interest charges incurred where borrowings are required for car parking purposes.

3.2 Off Street Parking

The Contribution Plan proposes to acquire land for the construction of additional car parking in the Ballina CBD. The following criteria apply to the selection of sites for public car parking areas to be funded by this Plan:

- § The site shall preferably be located within the areas identified on Map 3.1. Land may be acquired within other parts of the CBD if no suitable sites become available;
- § The site shall have shape, topography and drainage of a standard to permit economic development for car parking purposes;
- § The site shall be connected to or be capable of being connected to the CBD core by pedestrian pathways;
- § The site shall be of a sufficient size to be economically developed as a public car park (preferably between 1000 –2000m²), and of a size that is consistent with the cash flow of contributions;
- § The cost of the site shall not be excessive when compared to other land in the locality

Map 3.1 Preferred locations for off-street car parking



3.3 Multi-Storey Car Park

The Contribution Plan includes construction of a multi-storey car park in the block bordered by Tamar Street, Moon Street, Cherry Street, Winton Lane (refer map 2.1).

The Works Schedule identifies a multi-storey car park at the Wigmore Arcade car park site. However contributions received under this Plan may be used to provide additional car parking on alternate land as identified on Map 2.1.

The Wigmore Arcade car park currently comprises 75 car parking space. The *Ballina CBD Off Street Car Parking Study* identified that a multi-storey car park on this site could accommodate 195 spaces using two car-parking levels, this equates to an additional 120 spaces to what currently exists. This Plan does not collect contributions towards the existing car parking spaces.

3.5 Construction Costs

Construction costs for off street car parking have been estimated as follows:

Off-street car parking at grade:	\$2,500 per space
Off street car parking multi-storey:	\$9,500 per space

3.6 Land Costs

Land valuations were obtained to provide a typical value for land located along Tamar Street in the central CBD area (Martin Street – Grant Street). An average land value of \$800 per m² has been used in the cost estimates for a multi-storey car park.

3.7 Interest

The cash income from contributions will generate interest on savings when the balance of the car parking contribution fund is in credit. When borrowings are required the contribution fund will incur an interest charge.

The Developer Contributions per space ($\$Cont_{space}$) is adjusted up or down to account for interest charges and credits incurred by the Plan.

3.8 Apportionment of Costs

The existing car parking facilities are adequate for the exiting population and development within the Ballina Central Business District. As the proposed works are solely to cater fur future development additional car parking spaces identified in this Plan will be fully funded by new development.

4. WORKS PROGRAM AND CONTRIBUTION RATES

4.1 Formula for determining the Contribution Rate

Contribution rates shall be calculated in accordance with the following formula:

$$\text{\$Cont}_{\text{space}} = \text{W. Average}(\text{\$ Land Costs per space} + \text{\$ Construction Cost per space}) + \text{\$Interest}_{\text{space}}$$

Where:

$\text{\$Cont}_{\text{space}}$ = the contribution rate per unsupplied car parking space,

W.Average = the weighted average of the cost of ground level car parking and the cost of multi-storey car parking

$\text{\$Land Costs}$ = as detailed in section 3.3

Note: The land cost per space for a multi-storey car park is less than land costs for car parking provided at grade as more spaces can be provided on the same land area.

$\text{\$Construction Costs per space}$ = as detailed in section 3.4

$\text{\$Interest}$ = Interest charges and credits incurred by the Plan. The contribution rate is adjusted up or down using cash flow analysis to provide a zero end balance.

4.2 Contribution Rate

Based on the cost estimates and cash flow analysis the contribution charge per space is determined to be **\$24,300**.

TABLE 4.1 Calculation of Contribution Rate

	\\$Land cost per space	\\$Construction costs per space	Total cost per car parking space
Tamar Street Car Park (at grade)	\$22,857	\$2,500	\$25,357
Multi-Storey Car Park	\$12,900	\$9,500	\$22,400
		Weighted Average	\$23,489
		\\$Interest	\$811
		\\$Cont_{space}	\$24,300

This contribution is applicable to non-residential development within the Ballina Central Business District.

4.3 Works Schedule

The Contribution Plan includes the following works schedule:

TABLE 4.2 Works Schedule

<i>Year</i>	<i>Capital Works/Expenditure</i>	<i>Total Costs \$</i>	<i>No of spaces</i>
2004	Tamar Street Off-Street Car Park -Land Acquisition	\$1,600,000	70
2006	Tamar Street Off Street Car Park – Design and Construction	\$200,000	
2014	Wigmore Arcade Multi Storey Car Park – Design and Construction	\$1,850,000	120 (additional)
Total		\$3,650,000	190

4.4 Cash Flow

Income from the Plan is expected to vary each year, depending on the extent of development within the CBD and the number of unsupplied car parking spaces. For the purposes of determining the Plans cash flow it has been assumed that Council will receive an average of 10 car-parking contributions per year.

The work schedule will be amended to account for development rates and contributions for unsupplied car parking spaces that differ from those assumed in the Plan.

Table 4.3 shows the Contribution Plans cash flow for the years 2004–2018. The following are explanatory notes regarding these calculations:

- i) The opening fund balance is \$536,349 which is the reserve balance of the previous contribution plan,
- ii) Income received in 2004–05 is calculated at the previous contribution rate of \$13,060 which represents contributions received from existing development approvals.
- ii) 44 contributions were received by the previous contribution plan.
- iii) The cash flow accounts for 190 existing and future contribution towards car parking in the Ballina CBD.

4.5 Management of Car Parking Assets

It is the intent of this Contribution Plan to maintain flexibility in the provision and management of car parking facilities funded from developer contributions. This flexibility is needed to be able to respond to changing development trends and potential opportunities and constraints which may arise.

Contributions received under this Plan may be used to fund car parking facilities in the areas identified in Map 3.1. These areas have been identified as desirable car parking locations which provide convenient access to the core CBD areas and surrounding land uses

The timing of parking facilities provided under the plan will be governed by the number of contributions received each year.

Car parking assets acquired through the Contribution Plan may also be sold at a later date, providing the revenue is used to fund an equivalent number of car parking spaces elsewhere within the Ballina CBD.

5. ADMINISTRATION & ACCOUNTING

5.1 Timing of Payments

Contributions will be required as a condition of development consent.

Contributions are payable at the time prescribed in Table 5.1.

TABLE 5.1 Timing of Payments and Land Dedication

<i>Type of consent</i>	<i>Timing</i>
Subdivision	N/A
Development not involving subdivision but where a subsequent Construction Certificate is required	prior to release of Construction Certificate
Other developments	prior to commencement of the use

5.2 Indexation

Council's policy is to review contribution rates to ensure that the monetary contributions reflect the costs associated with the Plan. Under the terms of this policy, contributions will be adjusted annually at budget time (June). Contributions will be indexed as follows:

- (i) construction costs reviewed on the basis of adjustments in the Consumer Price Index as set by the Australian Bureau of Statistics;
- (ii) land costs reviewed on the basis of the % change in land values for the previous year for the Ballina locality as determined by the Department of Lands Country Land Value tables.
- (iii) the above indices will be applied using the following formula:

$$\text{Contribution at the Time of Payment} = \$16,568 \times \frac{L(2)}{L(1)} + \$6,921 \times \frac{CPI(2)}{CPI(1)} + \$811$$

Where:-

\$16,568 = weighted average land cost per space

\$6,921 = weighted average construction cost per space

\$811 = interest charge per space

L(1) = the land value of a typical property in Ballina as determined by the Valuer General and published by Department of Lands Country Land Values Tables for the year the plan was adopted.

L(2) = the land value of a typical property in Ballina as determined by the Valuer General and published by Department of Lands Country Land Values Tables for the year prior to the year of payment.

CPI(1) = The All Groups Consumer Price Index for Sydney for the year the Contribution Plan was adopted

CPI(2) = The All Groups Consumer Price Index for Sydney for the year of payment.

Current contribution rates in accordance with the above formula will be published in Council's Annual Fees and Charges Document and included in development consent conditions.

5.3 Contribution by way of 'Works in Kind' Material Public Benefit

The Council may accept an offer by the applicant to make a contribution by way of works in kind (for an item included in the works schedule) or material public benefit or dedication of land (for an item not included in the works schedule) as referred to in the Regulations. The decision will be at the discretion of Council. Factors that Council will take into consideration include:

- (i) the extent to which works in kind/material public benefit/land dedication satisfies a community need;
- (ii) the extent to which the works in kind/material public benefit/land dedication satisfies the purpose for which the contribution was sought;
- (iii) whether the payment of the contribution in accordance with the provisions of the Plan is unreasonable or unnecessary in the circumstances of the case;
- (iv) whether the works in kind/material public benefit/land dedication will prejudice the timing or manner of the provision of the services for which the contribution is required; and
- (v) the value of the material public benefit/land dedication or works in kind.

Credit for work in kind, material public benefit, or the dedication of land not identified within the adopted works schedule, will not be given over and above the relevant section 94 liabilities for that particular development.

5.4 Deferred or Periodic Payments

The Council will generally not accept deferred or periodic payment of contributions. However, Council may consider an application where:

- (i) compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case; and
- (ii) non-compliance with the terms of this clause will not prejudice the timing or the manner of the provision of the services or facilities for which the contribution was required as outlined in the Works Schedule.

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

In the event Council decides to accept the deferred or periodic payment of contributions, the applicant may be required to provide an unconditional bank guarantee by an Australian bank or recognised financial institution. The bank guarantee will prohibit the bank from seeking recourse to the applicant or having regard to any appeal, dispute, controversy, issue or other matter relating to the carrying out of the development in accordance with the consent.

5.5 Refunds

Ballina Shire Council does not anticipate that refunds of Section 94 contributions levied under this plan would be made unless:

- The required works under Section 94 are deleted and no equivalent or substitute provided, or
- The contributions have been paid in respect of a development consent that has lapsed and the funds have not been allocated/expended on the projects identified in the works schedule under the plan.

5.6 Review of the Plan

The Contribution Plan will be subject to regular review by Council, so as to:

- monitor development trends and income received by the Contribution Plan
- ensure that contributions charges reflect current costs;
- enable alteration to the work schedule if contributions towards public car parking differ from original expectations.

It is intended that this Section 94 Plan will be reviewed annually at the end of the financial year concurrent with the preparation of the financial reports required by the EP&A Regulations.

Any material change in the Plan, with the exception of annual adjustments outlined in Section 5.2, will require the Plan to be amended in accordance with Environmental Planning and Assessment Act, 1979. This will require full public exhibition of the amended Plan and consideration of the submissions received.

SUPPORTING DOCUMENTS

Eppel Olsen & Partners
Ballina CBD Parking Performance Review -2003

Eppel Olsen & Partners
Ballina CBD Off Street Parking Study - 2004

Valuation Report: Ballina CBD
Bennett Frogley Valuers -2004

