

BEGA VALLEY SHIRE COUNCIL

# RECREATION FACILITIES & PUBLIC RESERVES



Section 94 Contributions Plan No. 3



This version of Section 94 Contributions Plan No. 3 – Recreation Facilities & Public Reserves was made pursuant to Section 94 B of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting of 22 July 2003.

## Record of Amendments

<b>Name of Amendment</b>	<b>Date Approved by Council</b>	<b>Date Plan Came into Force</b>
<b>Original Contribution Plan</b>		1 July 1993
<b>Consumer Price Index – Financial Year Amendments</b>	27 March 2001	10 April 2001
<b>Altering the basis for the calculation of developer contributions to be based on a standard dwelling equivalent</b>	12 November 2002	15 November 2002
<b>Administrative change to indexation Clause</b>	22 July 2003	5 August 2003

## BEGA VALLEY SHIRE COUNCIL

### SECTION 94 CONTRIBUTIONS PLAN NO. 3

#### RECREATIONAL FACILITIES AND PUBLIC RESERVES

##### 1. NAME OF THE PLAN

This plan may be referred to as **Section 94 Contributions Plan No. 3 - Recreation Facilities and Public Reserves.**

##### 2. PURPOSE OF THE PLAN

- (a) To establish a framework for the collection of equitable contributions from developers where their projects generate additional requirements on Council for the provision and/or embellishment of recreational facilities and open space.
- (b) To establish a structure for the expenditure of such contributions on the needed facilities and services.

##### 3. DEVELOPMENT TO WHICH THE PLAN APPLIES

###### Public Reserve Acquisition

Residential Subdivision  
Attached Dual Occupancy  
Multi Unit Housing  
Retirement Villages  
Tourism and Motels  
Serviced Apartments  
Cabins  
Camp sites, short & long term sites (caravan parks)

###### Recreational Facility Contributions

Rural Dwellings  
Attached Dual Occupancy  
Subdivision (all lots for dwellings)  
Multi Unit Housing  
Retirement Villages  
Tourism - Motels  
Serviced Apartments  
Cabins  
Camp sites, short & long term sites (caravan parks)

#### 4. BACKGROUND OF NEXUS

Council has a duty to ensure suitable Parks, Gardens and Recreation Space, and facilities are provided to meet the needs of the community. As land is subdivided and houses erected, the population using these parks, gardens expands, and therefore, this increased population requires increased parks, gardens and general recreational space, plus the embellishment of existing and acquired recreational lands.

#### 5. FORMULA FOR CALCULATION OF CONTRIBUTION

##### (a) Public Reserve Acquisition

It has been widely accepted and tested in the Courts, that the area of public reserve required to be provided for subdivisions and similar residential developments is 2.833ha per 1,000 increase of population. This is the equivalent of 28.33m<sup>2</sup> per head of population. Given that the average residential occupancy in this Shire is 3 persons per dwelling, the contribution required should be 3 x 28.33m<sup>2</sup>, which is 85m<sup>2</sup> per dwelling. Therefore, it has been Council's practice in residential subdivisions to require, either the dedication of land at the rate of 85m<sup>2</sup> per additional allotment or the cash equivalent.

Bearing in mind that the purpose of requiring cash contributions is to enable Council to acquire and develop land in the vicinity for passive and active recreation, the reasonable and fair method of determining a cash equivalent to the land required is for the unimproved capital value of the subject land to be assessed per square metre. This money can then be available to Council to purchase land of a similar quality to provide these parks, gardens and recreational facilities. It has been Council's practice to use the valuation of the subject land supplied for rating purposes for this determination of public reserves contributions. Such valuations are generally conservative when compared to current market prices.

##### (b) Recreational Facilities Contributions

The increase in population arising as a consequence of development generates additional demands on constructed recreational facilities. To meet these demands Council incurs expenditure to develop or improve sporting fields and recreational facilities (eg children's play equipment, exercise equipment, landscaping, child security fencing, etc.). Such

expenditure can be incurred in the embellishment of existing Council controlled land or on development of vacant acquired land.

Schedule 2 lists projects to which these contributions will be directed.

Justification for the value of Recreation Facilities Contribution is presented in Appendix One.

## 6. METHOD AND TIMING OF PAYMENTS

This plan identifies the following requirements for payment of contributions assessed in accordance with the foregoing:

- Contributions associated with development consent applicable to the subdivision of land shall be paid prior to release of endorsed linen plans.
- Contributions associated with development consent applicable to the erection of buildings shall be paid prior to release of building plans.
- Contributions associated with development consent in circumstances other than described above shall be paid as a relevant condition of such consent.
- Staged or deferred payments may be permitted subject to prior written application, formal agreement of Council and satisfaction of acceptable financial guarantees including bank and other financial institution guarantees provided in the requisite form.

## 7. SCHEDULE OF WORKS

Works associated with the provision and embellishment of public open space, reserves, recreational areas etc are detailed in the attached extract (Schedule 2) BVSC Engineering Department's Works Program.

Contributions levied under this plan will be allocated and expended within the recreation catchment of the development.

Further, Council may expend contributions collected for the acquisition of land on embellishment of existing reserves where, in the view of Council, sufficient undeveloped recreational land exists in the development catchment.

**8. CURRENT CONTRIBUTIONS AND UPDATING**

Contributions will be adjusted as of 30 June each year in line with cost movements in the Consumer Price Index for the previous 12 months. The contribution amount will hold for a period of 12 months from the date of consent and thereafter the updated figure will be payable.

Refer to Council's adopted Management Plan for the indexed contributions applicable to development under this plan.

**9. DEFINITIONS**

In this Plan:

**Residential Subdivision** - Is subdivision within the meaning of the Environmental Planning and Assessment Act which creates allotment/s that are able to be sold separately and within which a dwelling-house would be permissible. This includes allotment/s created under the Community Land Development Act of 1989.

**Retirement Villages** - Development that complies with the requirements of State Environmental Planning Policy No. 5.

**Long Term Site, Short Term Site & Camp Site** - have the meanings as defined in Ordinance 71 Clause 4 as at May, 1993 and are, or are proposed to be, located within a "caravan park" as defined in that Ordinance.

**Standard Dwelling House** – a standard dwelling equivalent (SDE) = 4 bedroom dwelling.

## SCHEDULE 1

Any person seeking approval for development to which this plan applies will be required to contribute the following amounts for the acquisition of Public Reserves and provision of recreational facilities.

Development Type	Public Reserve Acquisition	Recreation Facilities	
Rural Dwellings	Nil	\$488/SDE	
Subdivision for dwellings in Rural Zones 1(a), 1(c), 1(g), 7(f1) & 7(d)	Nil	\$488/lot	
Subdivision for dwellings in Rural Zone 10	85m <sup>2</sup> /Lot X Value* (Max. per lot \$3916)	\$488/lot	
Dual Occupancy Development (First SDE pays no contribution)	85m <sup>2</sup> /lot X Value* (Max. per lot \$3916)	\$488/lot	
Residential Subdivision Zones 2(a), 2(b), 2(c), 2(e), 2(v), 3(a) & 3(b)	85m <sup>2</sup> /lot X Value* (Max. per lot \$3916)	\$488/lot	
Multi-unit Housing (3 dwellings or more) (First SDE pays no contribution)	28.25m <sup>2</sup> X Value* /Unit max contribution \$979/bedroom	\$122/bedroom	(1/4 standard dwelling equivalent)
Retirement Villages (First SDE pays no contribution)	28m <sup>2</sup> X Value* /Unit	\$122/bedroom	
Tourism – Motels	Nil	\$122/suite	
Serviced Apartments	Nil	\$122/bedroom	
Cabins	Nil	\$122/bedroom	
Long Term Sites	Nil	\$244/site	
Short Term Sites	1	\$244/site	
Camp Sites	Nil	\$122/site	

- \* Value Land value per square metre as determined from the Valuer General's Department values in Council's rating system at the time of assessment.
- \$ Dollars shown are as set for the 2001/2002 financial year, see Section 8 for updating provisions.

### **Basis of Proportionment**

An average dwelling house is a standard four bedroom equivalent dwelling. For dwellings of a greater or lesser size:

- (a) Contributions payable will be calculated on a pro-rata basis. A two bedroom dwelling contribution will be half that of a standard dwelling contribution.
- (b) A dwelling will be any permanent habitation including an unregistered movable dwelling for long- term use.
- (c) That a "bedroom equivalent" includes all rooms in the proposed dwelling capable of being used as separate bedrooms including studies and the like.

Tourism, Serviced apartments, and caravan park sites are categories of development where there is generally a requirement to provide some recreational lands on site. Therefore no contribution is applied to these categories of development with respect to Public Reserve Acquisition.

For Recreation facilities it is adopted that:

- (a) Tourism - Motels, Serviced Apartments, Cabins and Short Term sites are used at an average density of at least 3 persons but that occupancy equates with only 25% of a year. An equitable basis is therefore 1/4 of that applying to a dwelling house.
- (b) Long term sites equate with half the standard dwelling contribution.
- (c) Camp sites equate with half of a short term site.

At Council's meeting of 28th June 1994 it was confirmed that the maximum per lot contribution for subdivision under the Public Reserve Acquisition provisions be set at \$7053 subject to CPI indexation after 1st January 1995. Further that the \$7053 cap apply back to 1st July 1993.

In the case of Residential Flats and Retirement Villages, no contribution is payable for the 1st dwelling on the property. This is in recognition that the contribution payable at subdivision stage covers one dwelling.

## SCHEDULE 2

### SCHEDULE OF WORKS

A. Regional Recreation Facilities.

Regional Recreation Facilities such as Beach access, boat facilities, district sports facilities ... etc are provided for the benefit of all Shire residents. Council will therefore continue to allocate a proportion of funds collected under this plan towards capital works expenditure on Regional Recreation Facilities.

B. Local Recreation Facilities and Reserve Acquisition.

(See Appendix 2)

## APPENDIX ONE

### Secondary Contribution

A cost exercise was conducted to ascertain basic improvement costs to develop a passive park land of 1ha. And basic improvement costs to develop an active park land of 1ha. With recreational facilities (ie. Playground). By application of the land area formula the population as served by these areas can be derived from which a calculation can be calculated.

Cost to develop a 1ha. Area as a basic park (excludes purchase of land)	\$45,000.00
Cost to develop a 1ha. Area as an active park with a privy and some carparking	<u>\$170,000.00</u>
TOTAL	<u>\$215,000.00</u>

Population served by 2ha. - 700 persons  
Thus a cost per person = \$307.14,  
say \$305.00.

Should Council accept the principle of the Secondary Contribution, and the rate of \$305.00/person, it is further suggested that this fee be subject to annual adjustment in line with CPI Movements.

**APPENDIX TWO**

**SCHEDULE OF WORKS**

**LOCAL RECREATION FACILITIES AND RESERVES  
ACQUISITIONS**

Capital allocation for 2001/ 2002 financial year is \$240 000.

Capital allocation for 2002/ 2003 financial year is \$160 000.

The following items have been identified in Councils Rolling Works Program for the 2001/2002 and 2002/2003 financial years, to be funded through Section 94 contributions.

## ITEM J

2001/2002 Financial Year

## BEGA

Bega River Reserve	Landscaping Improvements	<b>\$10 000</b>
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## BERRAMBOOL

Berrambool Reserve -	Carpark Seal	<b>\$40 000</b>
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## BROADWATER

Broadwater Jetty -	Car Park and Access Road	<b>\$60 000</b>
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## COBARGO

Cobargo Park	Sculpture Walk	<b>\$ 5 000</b>
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## EDEN

Endeavour Court -	Park Improvements	<b>\$20 000</b>
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## MERIMBULA

Short Point	Viewing Platforms – Stage 2	<b>\$15 000</b>
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## NORTH TURA

Dolphin Cove -	Access Stairs	<b>\$30 000</b>
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## PAMBULA BEACH

Pambula Beach Reserve -	Park Improvements	<b>\$25 000</b>
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## TATHRA

Tathra Lookout -	Park Improvements	<b>\$10 000</b>
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## QUARANTINE BAY

Quarantine Bay -	Seal Car Park	<b>\$30 000</b>
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2002/ 2003 FINANCIAL YEAR

## BEMBOKA

Bemboka Park -	Walking Track	<b>\$20 000</b>
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## BERMAGUI

Armonels Bay - Stairs **\$20 000**

Bermagui Harbour - Boat Ramp **\$20 000**

Beauty Point - Park Improvements **\$10 000**

## GLEBE

Bunyarra Parade Glebe - Park Improvements **\$20 000**

## MERIMBULA

Merimbula Jetty - Upgrade Boat Launching Facilities **\$20 000**

## TATHRA

Tathra - Shelter **\$20 000**

OTHER MISCELLANEOUS - **\$10 000**

Works relating to Wharves, Jetties & Boat Ramps are dependent on Grants from the Department of Land and Water Conservation.

## ITEM J

### BOAT RAMPS - UPGRADING - WATERWAYS IMPROVEMENTS

Commencing in 1988, Council entered a program for progressive upgrading of boat ramps throughout the Shire based on the opportunity to take up subsidy under the NSW Waterways Program. Council's commitment to the projects were on the basis of Passive and Active contributions under Section 94 of the EP & A Act, and its own funds.

Council commenced with an objective to provide minimum funding from its own sources at \$100,000 per annum for works under a Rolling Works Program for boat ramps and launching facilities. The original subsidy under the NSW Waterways Program was at 75% of agreed pre-construction estimate, but this has since been reduced to 50%.

However, the program initiated in 1988 has seen the completion of work of a new boat ramp and parking area at Kianinny Bay south of Tathra; provision of parking area and the upgrading of the existing ramp at Merimbula Lake upstream of the causeway; ramp and parking area at Wonboyn Lane; commencement of upgrading under a six-stage development program for launching facilities at Pambula Lake.

For 1992 Council has made provision for an EIS for Bermagui Boat Ramp improvement at \$50,000 an EIS for Bermagui River Bank Erosion at \$50,000 and for continuation of the Broadwater Development Program at \$150,000. This total allocation of \$250,000 is met equally by Section 94 Contributions and Government grants.