



# Section 94 Development Contributions Plan

## Open Space Rural Districts

Adopted 28 October 2014

## OPEN SPACE RURAL DISTRICTS S94 CONTRIBUTIONS PLAN

### Summary Schedule of Contributions for 2014-15 (Based on Dec 2013 CPI of 104.8)

	Unit	Rate
Karuah Village Zone	Person	\$161.15
All other areas	Person	\$785.33

### Summary Schedule of Works

Facility	Schedule of Works
Open Space Rural Districts	Upgrade of facilities as required by population growth

#### 1. Purpose of this plan

The purpose of this plan is to enable open space contributions to be levied as a condition of consent for development in the rural districts of Great Lakes.

#### 2. Land to Which the Plan Applies

This plan applies to development anywhere in the Great Lakes Council Area outside of the Forster and Tea Gardens Districts and the Plan's catchment area and boundaries are defined in "**S94 Plan: Open Space Rural Districts 2009 Catchment Boundary**" Amended Map in the Appendix below.

#### 3. History of the Plan

Open Space Village Areas	Effective from 1 July 1993
Amended with respect to indexation and occupancy rates	26 August 2003
Amended to cover only areas not covered by Forster District and Tea Gardens District Contributions Plans	Exhibited (advertised in Advocate and Nota): 12 May 2009 Adopted by Council: 9 June 2009 Effective Date (Advertised in Advocate and Nota): 1 July 2009
Amended Plan Catchment Map, minor amendments to " <i>Additional Dwelling Units Table</i> " and " <i>Payment of Contributions</i> ", and Indexed Contribution Rates for 2014-2015	Conditionally Adopted: 29 April 2014 Advertised & Exhibited: 6 May-6 June 2014 Adopted by Council: 28 October 2014 Effective Date: 1 January 2015

#### 4. Development Forecasts

The rural districts contain only about 15% of the Great Lakes population. It is estimated that growth might proceed more slowly than in the Forster and Tea Gardens districts, as shown in the following table.

Private dwelling numbers

	Private dwellings 2006	Est not counted at census	Est 2008 incl not counted at census	Est 2041
Forster District	14,158	1,600	16,420	26,846
Tea Gardens District	3,059	280	3,560	7,600
Rural Districts	2,971	200	3,300	5,000
Great Lakes	20,188	2,080	23,280	39,446

## **OPEN SPACE RURAL DISTRICTS S94 CONTRIBUTIONS PLAN**

In July 2009 there were 363 vacant lots in the village areas. Council's Rural Living Strategy identifies 1,671 potential lots at Stroud, Booral, Bulahdelah and Karuah.

### **5. Effect of Development on Need for Open Space**

The requirement for open space is considered to be in direct proportion to the number of people served. Accordingly each development in the district, which has the potential to increase population, is required to contribute.

### **6. Schedule of Works**

If, as indicated in section 4 above, the dwelling number increased to 5,000, this would mean a population of about 12,000. At the rate of 2.83ha per 1,000 people, the area of open space required would be 34ha. At present there is a total of 57ha, including 17.2ha at Bulahdelah and 23.9ha at Stroud.

There is therefore no foreseeable need to acquire further land for open space.

The only works required will be improvements on existing spaces. These will mainly consist of park facilities and equipment in all areas, but also some court and field improvements at Bulahdelah and Stroud.

### **7. Derivation of Contribution Rates other than Karuah Village**

The contribution rate per person will be that required to embellish 28.3 sq m of open space.

Using cost estimates for the year 2008-09, contributions are calculated as follows:

	Sq m per person	\$/ sq m embellishment	\$/ person embellishment
Small parks	7.1	\$20	\$142.00
Large parks	8.5	\$20	\$170.00
Courts	4.2	\$50	\$210.00
Fields	8.5	\$20	\$170.00
Total	28.3		\$692.00

Total contribution rate per person is \$692.00 for the year 2009-10.

The rate will be indexed on each 1 July thereafter in accordance with the change in the CPI for the year to the previous December quarter. The CPI is the All Groups Consumer Price Index, weighted average of 8 capital cities. Its value for December quarter 2008 is 166.0.

### **Karuah**

In Karuah Zone 2 the Port Stephens - Great Lakes Cross-Boundary S94 Plan applies and new development contributes to Port Stephens Plans for District Facilities. Accordingly in Karuah Zone 2 the contribution under this plan will be that for local parks embellishment only, namely \$142.00 per person.

The rate will be indexed on each 1 July thereafter in accordance with the change in the CPI for the year to the previous December quarter. The CPI is the All Groups Consumer Price Index, weighted average of 8 capital cities. Its value for December quarter 2008 is 166.0.

The contribution will be payable for all developments in the District which have the potential to increase population.

### **Credit for Works in kind**

Developments which provide open space area and/or embellishment may be required to pay a reduced amount in recognition of the works in kind. The amounts of reduction will be in proportion to the value of land and works provided.

# OPEN SPACE RURAL DISTRICTS S94 CONTRIBUTIONS PLAN

## 8. Payment of Contributions

### 8.1 Basis of Contributions Payable

Contributions are payable according to population increase.

#### *Single Dwellings*

Each lot that has a dwelling entitlement is assumed to have paid all development contributions with respect to a single dwelling.

Therefore no contributions are payable when a single dwelling is built on a single lot.

#### *Additional Dwelling Units*

When more than one dwelling is to occupy one lot then contributions will be payable in accordance with the following table.

Credit will be allowed as an offset against the population generated by the development. The amount of credit in the case of a vacant single lot will be the amount for a single dwelling. Where approved residential development is to be demolished the amount of credit will be that applicable to the existing development.

	persons
Lot or single house or dual occupation (i.e. additional house on lot)	2.4

#### Multi-unit developments:

3 or more bedrooms	2.2
2 bedroom	1.8
1 bedroom	1.3
Bed-sitter	1.0

#### Other developments:

Motel room	1.0
Caravan Park Site	1.0
Dormitory bed in hostel	0.5
Bed and Breakfast in existing house	0.0-2.0

*Motel room includes a room in a hotel, hostel, guest house, boarding house and the like*

### 8.2 Timing of Payments

The contribution must be paid prior to the issue of a construction certificate or complying development certificate.

Where any payment is made after the end of the financial year in which the consent was issued the amount payable will be changed in accordance with the CPI (All Groups Consumer Price Index, weighted average of 8 capital cities.) The CPI for the time of consent is that which applies to the December quarter prior to the financial year of consent. The CPI at time of payment is that which applies to the December quarter prior to the financial year of payment.

### 8.3 Concessions/Discounts/Exemptions/Variations/Credits to Contributions

The following points are taken directly from the Section 94 Practice Notes issued by the NSW Department of Planning (now known as NSW Planning and Infrastructure) in November 2005 and these are still required to be followed by all NSW Councils in the preparation, development and amendment of their Section 94 Development Contributions Plans.

#### 8.3.1 What are the mandatory conditions for Section 94 Contributions to apply?

"Section 94B(1) of the *EP&A Act* requires that a contribution can be imposed only if a development contributions plan so authorises the council. Further, the contribution can only be imposed if it is in accordance with that contributions plan."

## OPEN SPACE RURAL DISTRICTS S94 CONTRIBUTIONS PLAN

### 8.3.2 What are valid adjustments to S94 Contributions for a development?

"There are essentially two ways that a section 94 (s94) contribution can be adjusted:

- adjustment of the **contribution rate** specified in a s94 development contributions plan
- adjustment of the amount payable under a condition of **development consent** between the time of the granting of consent and payment."

### 8.3.3 What exemptions may be considered?

"A council may elect to exempt particular types of development or class of development from the payment of development contributions on the basis of strategic planning, economic or social purposes.

While it is not possible to foresee every scenario, permitting the possibility of future requests for exemption being decided on their merits is reasonable – subject to some criteria being specified in advance to ensure equity. Council's policy on exemptions must be stated in the development contributions plan and, as far as possible, be specific about the types of facilities to be exempted. Alternatively, a council may state the criteria that will be used to determine an exemption or exclusion."

### 8.3.4 Implications of exemption of section 94 contributions

"Where exemptions are granted (or development is to be covered by a s94A plan), council should not factor this exempt development into the assessment of demand for the purposes of a s94 development contributions plan. Where the exempted development will create future demand, and the council intends to cater for this demand through provision of facilities (e.g. through the application of s94A levies), it must specify the amount of apportionment that will be applied to the development which is exempted."

### 8.3.5 Discounting contributions

"Discounting means reducing the calculated contribution rate in order to achieve a specific planning, social, economic or environmental purpose. It is extremely important for a council to consider the implications which discounting, and the consequent reduction in contributions, may have for the existing and/or the new community. Implications could include the delay in the provision of an identified facility or the provision of a facility of a lesser standard or capacity. Another implication is the creation of precedent. Where discounting has been actively employed, perhaps to encourage development, it is often difficult to shift the policy or defend a new policy in the face of past actions. Discounting should be used judiciously as it effectively means that existing ratepayers are subsidising future development. Council and the community must be made fully aware of the financial implications of discounting practices".

### 8.3.6 Credits for non-residential development

"For commercial and industrial development, credits are more complicated, as the same development may have differing implications such as higher (or lower) levels of traffic generation. Councils will need to assess these on a case by case basis. In all cases, council should have a specific policy on credits in their s94 development contributions plan. These will need to be documented and the implication for the s94 development contributions plan assessed particularly if the credit is large."

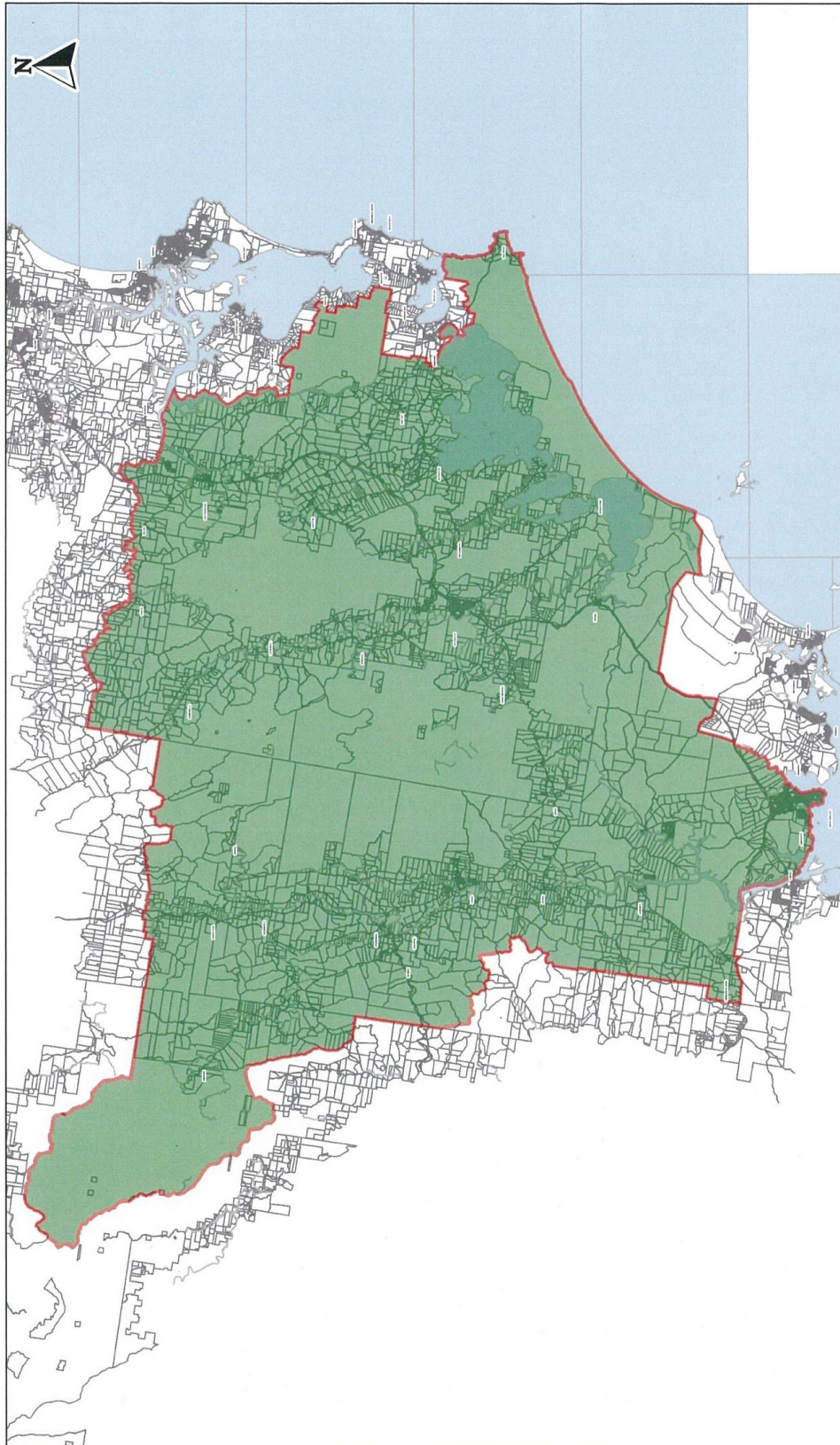
**Note:** For further information on these matters please refer to a current copy of "Policy For Section 94 Development Contributions Assessment" available from Administration offices and/or website of Great Lakes Council.

## 9. Appendix

1. "S94 Plan: Open Space Rural Districts 2009 Catchment Boundary" Amended Map

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**Legend**  
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 Section 94 Plan Boundary  
 Cadastre