

Forbes Shire Council Contribution Plan No. 1 Public Open Space

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FORBES SHIRE COUNCIL

FORBES CONTRIBUTION PLAN NO. 1 – PUBLIC OPEN SPACE

Revision History

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V1	21/05/1999	Director Environmental Services & Planning	Director Environmental Services & Planning	Council	
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Change History

Version	Change Details
V1	Initial Policy
V2	Amendments made by Environmental Services Department

Related Documents

Document Title	Location

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1 INTRODUCTION:

1.1 Contribution Plan Title and Operation

This Plan shall be known as Forbes Contribution Plan 1 – Public Open Space.

The Plan shall operate from 19 August 1994 in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended.

1.2 Purpose of the Plan

This Plan is the Contributions Plan for the provision of open space in and around Forbes Town required in association with residential development. The purpose of the Plan is to provide for developments to equitably share costs associated with the provision of open space and associated recreation facilities provided or to be provided by Forbes Shire Council in its role as the consent authority under the Act.

This Plan is the basis for levying contributions in accordance with the Environmental Planning and Assessment Act 1979 as amended.

Amendments to this plan or new superseding plans may be created in accordance with the Act and regulations where a need is identified at a later date to review provisions in the Plan or provide for facilities not included in this Plan.

1.3 Land to which this Plan Applies

This Plan applies to all land subject to residential development (including rural residential development) located within or adjacent to the Town of Forbes.

1.4 Schedules

As required by the legislation this Plan includes a Schedule of Works. The Schedule of Works comprises Schedule 1 to this Plan.

2. PUBLIC OPEN SPACE PROVISION

2.1 Need for Public Open Space

Public open space provides for recreation opportunities including organised sport; it serves to visually break up the built form of an urban environment; and together with tree plantings and gardens has a positive contribution to the environment. In Forbes, open space has been established in and adjacent to floodways as a form of environmental protection.

The need for public open space in urban areas has long been recognised as a legitimate component of development however the rate of provision has been the source of much debate as the range of recreation demands have changed.

The social and environmental benefits of public open space for residents have been considered sufficient grounds for many years to require developers to supply public open space in association with land development. The traditionally accepted rate for open space provision in NSW has been 2.83 ha per 1000 persons although the rationale as for contribution requirements in other States seems obscure (see the Simpson Report, 1989:28). In the A.C.T and South Australia (Urban Land Trust) a provision of 4 ha/1000 is used.

In order that public open space satisfies the diverse range of community needs it should be provided on a functional or systematic basis that recognises the different roles of the resource. Open Space provided by local authorities can be broadly categorised according to the following functions:



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PARK FUNCTION	CHARACTERISTICS
Special Purpose	Land primarily used for specific activities such as racecourses, golf courses, bowling clubs, public swimming pools, caravan parks etc.
Town Parks/Gardens	Formal parks in or adjacent to the town centre.
District Parks	Open Space areas that attract people from wide areas such as district sportsgrounds (whether enclosed ovals or open fields) or large areas of parkland, natural areas etc.
Local Neighbourhood Parks	Open Space that serves the needs of residents in the local area.
Playgrounds	Small parks providing for recreation by residents in the immediate vicinity with an emphasis on use by neighbourhood children.

2.2 Justification for Rates of Open Space Contribution

To justify a rate of open space provision requires evaluating current provision. The following table identifies existing open space and areas in and around the Town of Forbes.

PARK NAME	LOCATION	AREA (Ha)	FUNCTION
Botanical Gardens	College Road	19.60	District Sports
Showground/Racecourse	Racecourse Road	43.20	Special Purpose
Aquatic Area	Bedgerabong Road	45.00	District Park
Lagoon Parks:		19.77	District and Local Neighbourhood Parks
- Neredith Edols	Jones Street/Taylor Underpass;		
- Meagher	Gordon Duff Drive		
- Apex	Wambat Street		
- Wheogo	Lachlan/Junction Streets;		
- Stephan Field/Gaggin/Halpins Flat	Lawler Street/Bedgerabong Road		
- Grinstead/Sth Circle Ovals, Rotary & Rotaract Park, Frances Ford Park	Gordon Duff Drive/Camp Street/Sherriff Street/Bandon Street		
- Lakeside BMX,	Hill Street		
- Frances Forbes Park	North Circle Drive		
Lions Park	Junction Street	1.275	
Victoria Park		4.00	Town Park
Spooner Oval	Forester Street	4.80	District Sports
Town Tennis Courts/Ron Flannery Park	Bandon Street	1.105	District Sports
Jenny Murphy Park	Acacia Avenue	0.80	Local Neighbourhood Park
Pre School Park	Abbott Street	0.512	Playground
Sister Gardiner Park	Patterson Street	0.10	Playground
Nurse Stokes Park	Elgin Street	0.36	Local Neighbourhood Park
Margaret Muir Park	Barwin Street	0.20	Playground
King George V Park	Battye Street	0.40	Local Neighbourhood Park
Nelson Park	Barton Street	1.26	Local Neighbourhood Park
Alma Sharpe Park	Chelsea Crescent	1.00	Local Neighbourhood Park
Clematis Street Park	Clematis Street	0.25	Local Neighbourhood Park
Hughie Wilson Oval	Linda Street	2.80	Town Park
Sister Odelia Park	Koala Place	0.60	Local Neighbourhood Park
North Forbes Sporting Field	Dawson Street	3.00	District Park



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PARK NAME	LOCATION	AREA (Ha)	FUNCTION
Tin Tuppa Park	Farrand Street	0.24	Local Neighbourhood Park
Eloora Place Park	Eloora Place	0.46	Local Neighbourhood Park
Mabel Green Park	Scrivener Street	0.40	Local Neighbourhood Park
Crippen Park	East of Dowling Street	0.10	Town Park
Bates Park	West of Dowling Street	0.10	Town Park
Bridgette Duckworth Park	Farnell Street/Grenfell Street	0.10	Local Neighbourhood Park
Gale Street Park	Gale Street	0.08	Playground
Dulcie Muffet Park	Wyndham Avenue	0.09	Playground
TOTAL:		151.60	
Local Neighbourhood Parks (inc. Lagoon Parks)		29.90	

The total area of public open space in the town of Forbes equates to more than 20 hectares per 1,000 persons based on the town's population of 7,550 (1991 Census). Even when the Shire's total population is included to relate to the provision of district parks the rate of provision is still a high 14.6 Ha/1,000 people.

For the purposes of determining open space provision for neighbourhood residents local neighbourhood parks equate to about 4 Ha/1,000 people. Due to the contribution of parkland to the urban environment of Forbes as acknowledged by the town's capture of the national Tidy Towns award it is considered that the current rate of local neighbourhood open space should be retained. This rate of provision compares with other, albeit larger, garden cities of Canberra and Adelaide.

Under the former provisions contained in the subdivision code for Forbes, 1/7 of the gross area of the development site was required for open space. The code therefore required 1428m² of open space to be provided per hectare. Based on subdivision with average lot sizes of 700 to 800m², allowing for roads, a hectare of land less the open space component would result in a development potential of between 8.75 to 10 dwellings per hectare. For minimum lot sizes of 550m² the development potential would be about 12 dwellings per hectare. Under the code the same amount of open space would be provided whether 8 or 12 dwellings were developed despite the potential use being 50% higher from 12 dwellings than from 8.

It is more appropriate that open space be provided on a rate equating to potential use on a population basis than as a percentage of gross development area. The rate of 4Ha/1000 persons is considered to be justified for Forbes.

Open space in Forbes is characterised by a significant demand for playing fields as evidenced by the amount of land provided for district and neighbourhood sports. Approximately 40 hectares of land is provided for sports in the Town of Forbes which corresponds to about half the district and neighbourhood open space provision.

Consequently, the 4Ha/1000 persons rate may be apportioned early between "passive" and "active" space (sportsfields).

While provision of open space is justified to be apportioned evenly between passive and active recreation passive open space is easier to provide in conjunction with developments. This situation can be explained according to the different land demands of playing fields relative to passive open space. Playing fields require a large regular shaped area (in excess of 2Ha). This area often significantly exceeds the total area required to be provided by a single development.



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On the other hand, developers have less difficulty in accommodating passive open space at a rate in excess of Council requirements in interconnecting parkland networks since such areas can often double as drainage reserves and may include flood liable land.

Local neighbourhood parks can often be developed for local playing areas for non organised games and junior sport. It is primarily the provision of high standard sports fields that has required addressing.

2.3 Reasonable and Fair Apportionment of Costs

Open Space under Section 94 can be provided in different forms: as land including capital improvements, cash contribution, material public benefits (carrying out of work by the developer) either separately or in combination. To determine appropriate values the provision of open space requires costing. Since effective utilisation of public open space requires costing. Since effective utilisation of public open space requires land and capital improvements both need to be considered.

2.3.1 Land Values:

It has been common practice to value open space on the basis of the value of the land to be developed. This approach however does not take into account that where a cash contribution is required that contribution would be used to purchase land elsewhere in the Town. An “en-globo” land value is preferred which provides an average value throughout the town for vacant undeveloped land in urban areas. Research into recent sales of undeveloped urban land in the Town of Forbes reveals an en-globo land value of \$39,907.92 per hectare. Based on 4 hectares of open space per 1,000 persons the land value of open space is \$159.63 per person (\$39,907.92/Ha @ 4Ha/1000 persons).

2.3.2 Capital Improvements:

Capital Improvements based on historical expenditure is calculated at \$72,831.96 per hectare or \$291.33 per person.

2.3.3 Combined Value of Improved Public Open Space:

The combined value of public open space provision (land and capital improvements) is \$450.96 per person which equates to \$112,739.88 per hectare.

2.4 Method of Calculating Open Space Contributions

Calculations of Contributions for open space are presented below.

To determine the level of contribution for public open space the following factors apply:

Rate of Provision	4Ha/1000 persons
Occupancy Rates:	
- 3+ bedroom dwelling/dwelling house	3.0 persons
- 2 bedroom dwelling	2.0 persons
- 1 bedroom dwelling	1.25 persons
En-globo land value:	\$39,907.92 per hectare
Capital Improvements value:	\$72,831.96 per hectare

Contribution Calculation

The following contribution calculation applies for parks and gardens:

Number of additional lots/dwellings X occupancy rate X
rate of provision X en-globo value



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Example

For a subdivision of one lot into 6 new residential lots the contribution towards public open space under the Plan will be as follows:

$$5 \text{ additional lots} \times 3 \text{ persons per lot} \times 4\text{Ha}/1000 \text{ persons} \times \$112,739.88/\text{Ha} \\ = \$6,764.37 @ \$1,352.87 \text{ per additional lot.}$$

2.5 Provision of Public Open Space Contributions

Council reserves the right to accept or refuse the contribution of public open space as land, cash or material public benefit. Land will not be accepted by Council where that land is considered by Council to be unsuitable for effective use as public open space by virtue of size, shape, public accessibility, topography or location.

Where development is carried out in an area in the vicinity of existing public open space Council may accept the full value of the contribution as cash, or in the provision of facilities by the developer as a material public benefit, in order to provide for the improvement of existing open space.

In the development of new urban residential areas remote from existing undeveloped areas of public open space, land will be required to be provided to the satisfaction of Council within, or in the vicinity of the development area.

Where land is provided the land shall either include improvements or a cash contribution towards improvements to the full value of the contribution (\$112,739.88 per hectare) set by this plan for improved public open space. Alternatively, land to the full value of the contribution may be required.

3 PLAN ADMINISTRATION

3.1. Crediting and Discounting Procedures

This Section establishes the conditions that apply to crediting and/or discounting contributions under this Plan.

3.1.1 Material Public Benefit:

Section 94 provides for a developer to provide a “material public benefit” instead of a contribution. This means that a developer may undertake work at his/her own expense to satisfy a requirement for a contribution. Section 94(5) requires that developers must also be “credited” for any land dedications or monetary contribution above that required by s94. In such circumstances a rebate will be applied to the contribution based on the value of the Material Public Benefit (assessed according to the rates in this Plan). Examples have included where a developer has constructed a whole sportsfield in association with a development that in itself demanded only part.

3.1.2 Determining Need – Increased Demand:

Another way that a so called “credit” may apply is in the interpretation of increased demand. The principles of “increased demand” are dealt with below:

In recent times questions have been directed at and by Council whether a development actually involves an increase in demand. One of the principles of Section 94 is that there should be a nexus between the development and a particular, identified service.



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To determine whether a development increases demand requires a consistent approach. For the purposes of determining increases in demand for different development types the following general principles shall apply:

Residential Land

For a subdivision creating new lots capable of being developed for residential purposes (including rural land) the increased demand is considered to be the additional lots only. The existing lot may therefore be “credited” (excluded from calculation). This method has been applied in the examples in this Plan.

A Credit does **NOT** apply where lots have been amalgamated for redevelopment and where no contributions have been applied to that subdivision pending the subsequent development of unit sites in the town area or staged development of release areas.

Where more than one dwelling is proposed on residential land (excluding land created in accordance with the previous paragraph) the existing land will be considered to obtain 1 dwelling house whether or not the land is vacant which shall be excluded from calculating contributions.

3.2 Deferred Payment Procedures

Contributions shall be paid at the following stages of the development process:

Contribution Payment:

DEVELOPMENT TYPE	PAYMENT STAGE
Subdivision:	Prior to Release of Final “Linen” Plan
Building:	Prior to Release of Construction Certificate
Where no building application is required (ie. works only; change of use, etc):	Upon issue of Consent

Council recognises that early payment of contributions can affect holding costs. Nevertheless, early payment can assist with the early provision of services.

Application for deferred payment may be made to Council in writing. Such applications must give reasons to justify deferring payment to Council’s satisfaction.

Council shall only agree to defer payment where an indexed Bank Guarantee has been entered into within the terms as listed in the above Table.

The deferred payment shall be made prior to occupation for development that includes building work unless otherwise agreed to by Council.

For staged subdivision any deferred payment shall be made prior to the release of the next stage. For non-staged subdivision deferred payment shall be made within 12 months of release of the final plan of subdivision unless otherwise agreed to by Council.

3.3 Indexation

Contributions shall be indexed at the 1 January each year to ensure that the contribution rate continues to reflect changing costs over time.

Conditions of consent under Part IV of the Environmental Planning and Assessment Act, 1979 applying contributions under this Plan will include an indexing factor.



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The indexing factor (unless stated otherwise under this Plan and in a condition of consent) shall be according to the cumulative annual Australian Bureau of Statistics Consumer Price Index for Sydney from the date of consent to the first of January of the current year.

Due to the time lag for issue of CPI figures the relevant figure applicable for the 1st January shall be deemed to be the figure applying at the previous September quarter.

4 PLAN SUMMARY

The rate of provision of open space required under this Plan is 4 Ha/1000 persons.

The value of the contribution for improved open space as at May 2014 is \$112,739.88 per hectare at a rate of \$450.96 per person.

Public open space shall be required in the form of improved land; land and cash contribution for improvements; or land to the full value of the contribution rate.

Contributions shall be indexed on 1 January each year according to the ABS annual Consumer Price Index for Sydney for the preceding September quarter.

5 SCHEDULE OF WORKS – Open Space Improvements – 3 Year Program

Site	Replacement Year	Replacement Cost \$
Nelson Park	2014	150,000.00
Duckworth Park	2015	60,000.00
Dulcie Muffet Park	2016	45,000.00
Carrington Gardens	2017	55,000.00
Ron Flannery Park	2018	55,000.000
Nurse Stokes Park	2018	60,000.00
Mary Muir Park	2020	40,000.00
Aquatic Centre	2021	50,000.00
Alma Sharp Park	2022	35,000.00
Lions Park	2023	60,000.00
Rotaract Park	2026	150,000.00