



**DRAFT**

**SECTION 94  
CONTRIBUTIONS PLAN  
NO. 11**

**SHIRE-WIDE  
INFRASTRUCTURE, SERVICES AND FACILITIES**

**January 2007**

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## **PART A – SUMMARY SCHEDULES**

The following pages include summary tables of contribution rates included in this Plan; ie:

Table 1: Schedule of works.

Table 2: Contributions by area and category.

Table 3: Contributions by development type and category.

***Please Note:** These are summary tables only. More details are contained in the individual strategies in Part C of this Plan.*

**SECTION 94 - CONTRIBUTIONS PLAN NO. 11 - SHIRE-WIDE  
INFRASTRUCTURE, SERVICES AND FACILITIES**

**TABLE 1: SCHEDULE OF WORKS**

| Schedule of Works                                     | Total Cost       |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
|---|------------------|-----------------|-----------------|-----------------|------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|   | 2007             | 2008            | 2009            | 2010            | 2011             | 2012             | 2013            | 2014            | 2015            | 2016            | 2017            | 2018            | 2019            | 2020            | 2021            | 2022            | 2023            | 2024            | 2025            | 2026            | 2027            | 2028            | 2029            | 2030            | 2031            |
| Administration  | -\$2,972         | -\$71           | -\$66           | -\$97           | -\$128           | -\$130           | -\$134          | -\$130          | -\$130          | -\$132          | -\$129          | -\$129          | -\$126          | -\$129          | -\$129          | -\$130          | -\$132          | -\$131          | -\$121          | -\$114          | -\$113          | -\$110          | -\$110          | -\$110          | -\$110          |
| Library Stock   | -\$11,198        | -\$448          | -\$448          | -\$448          | -\$448           | -\$448           | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          | -\$448          |
| Regional Performing Arts Centre                       | -\$23,600        | -\$200          | -\$500          | -\$500          | -\$11,200        | -\$11,200        |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Public Art Commissions                                | -\$1,800         |                 | -\$200          |                 | -\$200           |                  | -\$200          |                 | -\$200          |                 | -\$200          |                 | -\$200          |                 | -\$200          |                 | -\$200          |                 | -\$200          |                 |                 |                 |                 |                 |                 |
| North Wyong Regional Sporting Facility                | -\$5,000         |                 |                 |                 |                  |                  | -\$2,500        | -\$2,500        |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| San Remo Extreme Sporting Facility                    | -\$500           |                 |                 |                 | -\$500           |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Cycleway Network                                      | -\$12,555        | -\$502          | -\$502          | -\$502          | -\$502           | -\$502           | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          | -\$502          |
| Recreation Strategy                                   | -\$120           | -\$70           | -\$50           |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Saltwater Creek Park                                  | -\$1,000         |                 |                 | -\$1,000        |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| <b>Sub Total</b>                                      | <b>-\$58,745</b> | <b>-\$1,291</b> | <b>-\$1,766</b> | <b>-\$2,547</b> | <b>-\$12,978</b> | <b>-\$12,280</b> | <b>-\$3,784</b> | <b>-\$3,581</b> | <b>-\$1,281</b> | <b>-\$1,082</b> | <b>-\$1,279</b> | <b>-\$1,079</b> | <b>-\$1,276</b> | <b>-\$1,079</b> | <b>-\$1,279</b> | <b>-\$1,079</b> | <b>-\$1,280</b> | <b>-\$1,082</b> | <b>-\$1,281</b> | <b>-\$1,071</b> | <b>-\$1,065</b> | <b>-\$1,063</b> | <b>-\$1,060</b> | <b>-\$1,060</b> | <b>-\$1,060</b> |
| <b>Income Future Development</b>                      |                  |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Administration  | \$2,972          | \$71            | \$66            | \$97            | \$128            | \$130            | \$134           | \$130           | \$130           | \$132           | \$129           | \$129           | \$126           | \$129           | \$129           | \$130           | \$132           | \$131           | \$121           | \$114           | \$113           | \$110           | \$110           | \$110           | \$110           |
| Library Stock   | \$10,737         | 429             | 429             | 429             | 429              | 429              | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             | 429             |
| Regional Performing Arts Centre                       | \$7,478          | \$299           | \$299           | \$299           | \$299            | \$299            | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           | \$299           |
| Public Art Commissions                                | \$570            | \$23            | \$23            | \$23            | \$23             | \$23             | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            | \$23            |
| Regional Open Space                                   | \$6,347          | \$254           | \$254           | \$254           | \$254            | \$254            | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           | \$254           |
| Cycleway Network                                      | \$12,037         | \$481           | \$481           | \$481           | \$481            | \$481            | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           | \$481           |
| <b>Sub Total</b>                                      | <b>\$40,141</b>  | <b>\$1,558</b>  | <b>\$1,553</b>  | <b>\$1,583</b>  | <b>\$1,615</b>   | <b>\$1,617</b>   | <b>\$1,621</b>  | <b>\$1,617</b>  | <b>\$1,617</b>  | <b>\$1,619</b>  | <b>\$1,616</b>  | <b>\$1,616</b>  | <b>\$1,613</b>  | <b>\$1,616</b>  | <b>\$1,616</b>  | <b>\$1,616</b>  | <b>\$1,617</b>  | <b>\$1,619</b>  | <b>\$1,618</b>  | <b>\$1,608</b>  | <b>\$1,601</b>  | <b>\$1,600</b>  | <b>\$1,597</b>  | <b>\$1,597</b>  | <b>\$1,597</b>  |
| <b>Income From Council (for existing development)</b> |                  |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Administration  | \$0              |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Library Stock   | \$462            | \$18            | \$18            | \$18            | \$18             | \$18             | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            | \$18            |
| Regional Performing Arts Centre                       | \$16,122         |                 |                 | \$16,122        |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Public Art Commissions                                | \$1,230          |                 | \$137           |                 | \$137            |                  | \$137           |                 | \$137           |                 | \$137           |                 | \$137           |                 | \$137           |                 | \$137           |                 | \$137           |                 |                 |                 |                 |                 |                 |
| Regional Open Space                                   | \$273            |                 |                 | \$273           |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Cycleway Network                                      | \$517            | \$21            | \$21            | \$21            | \$21             | \$21             | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            | \$21            |
| <b>Sub Total</b>                                      | <b>\$18,603</b>  | <b>\$39</b>     | <b>\$176</b>    | <b>\$16,161</b> | <b>\$449</b>     | <b>\$39</b>      | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$176</b>    | <b>\$39</b>     | <b>\$39</b>     | <b>\$39</b>     | <b>\$39</b>     | <b>\$39</b>     | <b>\$39</b>     |
| <b>Borrowings from Other Plans</b>                    | <b>\$0</b>       |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| <b>Repayments to Other Plans</b>                      | <b>\$0</b>       |                 |                 |                 |                  |                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| <b>Sub Total</b>                                      | <b>\$0</b>       | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>       | <b>\$0</b>       | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b>      |
| <b>Total Expenditure</b>                              | <b>-\$58,745</b> | <b>-\$1,291</b> | <b>-\$1,766</b> | <b>-\$2,547</b> | <b>-\$12,978</b> | <b>-\$12,280</b> | <b>-\$3,784</b> | <b>-\$3,581</b> | <b>-\$1,281</b> | <b>-\$1,082</b> | <b>-\$1,279</b> | <b>-\$1,079</b> | <b>-\$1,276</b> | <b>-\$1,079</b> | <b>-\$1,279</b> | <b>-\$1,280</b> | <b>-\$1,082</b> | <b>-\$1,281</b> | <b>-\$1,071</b> | <b>-\$1,065</b> | <b>-\$1,063</b> | <b>-\$1,060</b> | <b>-\$1,060</b> | <b>-\$1,060</b> | <b>-\$1,060</b> |
| <b>Total Income</b>                                   | <b>\$58,745</b>  | <b>\$1,597</b>  | <b>\$1,729</b>  | <b>\$17,744</b> | <b>\$2,063</b>   | <b>\$1,656</b>   | <b>\$1,797</b>  | <b>\$1,656</b>  | <b>\$1,793</b>  | <b>\$1,658</b>  | <b>\$1,792</b>  | <b>\$1,655</b>  | <b>\$1,788</b>  | <b>\$1,655</b>  | <b>\$1,792</b>  | <b>\$1,655</b>  | <b>\$1,793</b>  | <b>\$1,658</b>  | <b>\$1,793</b>  | <b>\$1,647</b>  | <b>\$1,640</b>  | <b>\$1,639</b>  | <b>\$1,636</b>  | <b>\$1,636</b>  | <b>\$1,636</b>  |
| <b>Cash Flow</b>                                      | <b>\$0</b>       | <b>\$306</b>    | <b>\$268</b>    | <b>\$15,466</b> | <b>\$4,551</b>   | <b>-\$6,073</b>  | <b>-\$8,060</b> | <b>-\$9,985</b> | <b>-\$9,472</b> | <b>-\$8,896</b> | <b>-\$8,384</b> | <b>-\$7,808</b> | <b>-\$7,296</b> | <b>-\$6,720</b> | <b>-\$6,207</b> | <b>-\$5,632</b> | <b>-\$5,119</b> | <b>-\$4,543</b> | <b>-\$4,031</b> | <b>-\$3,455</b> | <b>-\$2,879</b> | <b>-\$2,303</b> | <b>-\$1,727</b> | <b>-\$1,152</b> | <b>-\$576</b>   |

### Contributions by Category

Table 2 shows the contribution rates per dwelling unit (DU) for each category. These rates are current at the time of preparing this plan and are subject to future indexation in accordance with this plan.

**Table 2**

| <b>Category</b>        | <b>Contribution Rate per Dwelling Unit</b> |
|------------------------|--|
| Library Stock          | \$266.30                                   |
| Performing Arts Centre | \$313.03                                   |
| Public Art Commissions | \$23.88                                    |
| Regional Open Space    | \$157.43                                   |
| Shire Cycleway Network | \$298.57                                   |
| Administration         | \$63.55                                    |
| <b>Total</b>           | <b>\$1,122.76</b>                          |

**Notes:** *The contributions are to apply to:*

- *Residential subdivision of land (1 DU credit per existing residential allotment).*
- *All medium density development - excluding tourist development (1 DU credit per existing allotment).*
- *Rural subdivision creating addition dwelling entitlements (1 DU credit per existing allotment).*
- *Rural dual occupancy development (1 DU credit per existing allotment).*

### Contributions by Development Type and Category

Table 3 summarises the types of development which will be required to contribute towards the various contribution categories.

**Table 3**

| Development Types                    | Factor Per DU         | Library Network | Regional Open Space | Cycleway Network | Performing Arts Centre & Public Art | Administration |
|--------------------------------------|-----------------------|-----------------|---------------------|------------------|-------------------------------------|----------------|
| Residential Flats & Dual Occupancies |                       | √               | √                   | √                | √                                   | √              |
| 1 bedroom unit                       | 0.52/unit             | √               | √                   | √                | √                                   | √              |
| 2 bedroom unit                       | 0.73/unit             | √               | √                   | √                | √                                   | √              |
| 3 bedroom unit                       | 1/unit                | √               | √                   | √                | √                                   | √              |
| 4 bedroom unit                       | 1.28/unit             | √               | √                   | √                | √                                   | √              |
| Residential Subdivision              | 1/unit                | √               | √                   | √                | √                                   | √              |
| Shops/Offices                        | 0.005/m <sup>2</sup>  |                 |                     |                  | √                                   | √              |
| Rural Subdivision                    | 1/lot                 | √               | √                   | √                | √                                   | √              |
| Rural Dual Occupancies               |                       | √               | √                   | √                | √                                   | √              |
| 1 bedroom unit                       | 0.52/unit             | √               | √                   | √                | √                                   | √              |
| 2 bedroom unit                       | 0.73/unit             | √               | √                   | √                | √                                   | √              |
| 3 bedroom unit                       | 1/unit                | √               | √                   | √                | √                                   | √              |
| 4 bedroom unit                       | 1.28/unit             | √               | √                   | √                | √                                   | √              |
| Industrial Subdivision               | 5/Ha NDA              |                 |                     |                  |                                     |                |
| Industrial Development               | 5/Ha NDA              |                 |                     |                  |                                     |                |
| Shopping Centre                      | 0.001/m <sup>2</sup>  |                 |                     |                  | √                                   | √              |
| Restaurants                          | 0.008/m <sup>2</sup>  |                 |                     |                  |                                     |                |
| Tourists Developments                |                       | √               | √                   | √                | √                                   | √              |
| 1 bedroom unit                       | 0.52/unit             | √               | √                   | √                | √                                   | √              |
| 2 bedroom unit                       | 0.73/unit             | √               | √                   | √                | √                                   | √              |
| 3 bedroom unit                       | 1/unit                | √               | √                   | √                | √                                   | √              |
| 4 bedroom unit                       | 1.28/unit             | √               | √                   | √                | √                                   | √              |
| Motel Suite                          | 0.26/Suite            | √               | √                   | √                | √                                   | √              |
| Caravan Park - short term            | 0.52/site             | √               | √                   | √                | √                                   | √              |
| Caravan Park - long term             | 0.73/site             | √               | √                   | √                | √                                   | √              |
| Schools                              | 0.04/pupil            |                 |                     |                  |                                     |                |
| Licensed Club                        | 0.04/occpt            |                 |                     |                  |                                     |                |
| Hotel                                | 0.01/m <sup>2</sup>   |                 |                     |                  |                                     |                |
| Hospital Bed                         | 1/bed                 |                 |                     |                  |                                     |                |
| Nursing Home Bed                     | 0.4/bed               |                 |                     |                  |                                     |                |
| Hostel Bed                           | 0.125/bed             |                 |                     |                  |                                     |                |
| Pre Schools/Child Care Centres       | 0.0625/pupils & staff |                 |                     |                  |                                     |                |

**Note:** √ contribution is applicable to development.

## **PART B – ADMINISTRATION AND OPERATION OF THE PLAN**

### **B1 NAME OF THIS PLAN**

This development contributions plan is called the "Section 94 Contributions Plan for Wyong Shire No. 11 - Shire wide Infrastructure, Services and Facilities - 2007".

### **B2 LAND TO WHICH THIS PLAN APPLIES**

This plan applies to all land within the local government area of Wyong Shire, as shown on Figure 1.

### **B3 PURPOSE OF THE PLAN**

The purpose of this Development Contributions Plan is to:

- a Provide an administrative framework under which specific public facilities strategies may be implemented and coordinated.
- b Ensure that adequate public facilities are provided for as part of any new development.
- c Authorise Council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies.
- d Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.
- e Ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development.
- f Enable the Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

### **B4 COMMENCEMENT OF THIS PLAN**

This development contributions plan has been prepared pursuant to the provisions of s94 of the *EP&A Act* and Part 4 of the *EP&A Regulation* and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *EP&A Regulation*.

### **B5 RELATIONSHIP WITH OTHER PLANS AND POLICIES**

This Plan should be read in conjunction with Wyong Local Environmental Plan 1991, relevant Development Control Plans, Contributions Plans, Council's Management Plan and Council's Codes and Policies.

This Plan takes precedence over any of Council's Codes and Policies where there are any inconsistencies in relation to Section 94 Contributions.

Other contributions plans may also apply to development covered by this plan.

SECTION 94 - CONTRIBUTIONS PLAN NO. 11 - SHIRE-WIDE  
 INFRASTRUCTURE, SERVICES AND FACILITIES

This plan replaces elements of existing district contributions plans as they relate to library stock (Warnervale District contributions plan) and cycleways where they make up a component of an open space contribution (all districts plans – except Warnervale) – a cycleway element will remain in the Warnervale district contributions plan as it relates to local cycleways throughout that district.

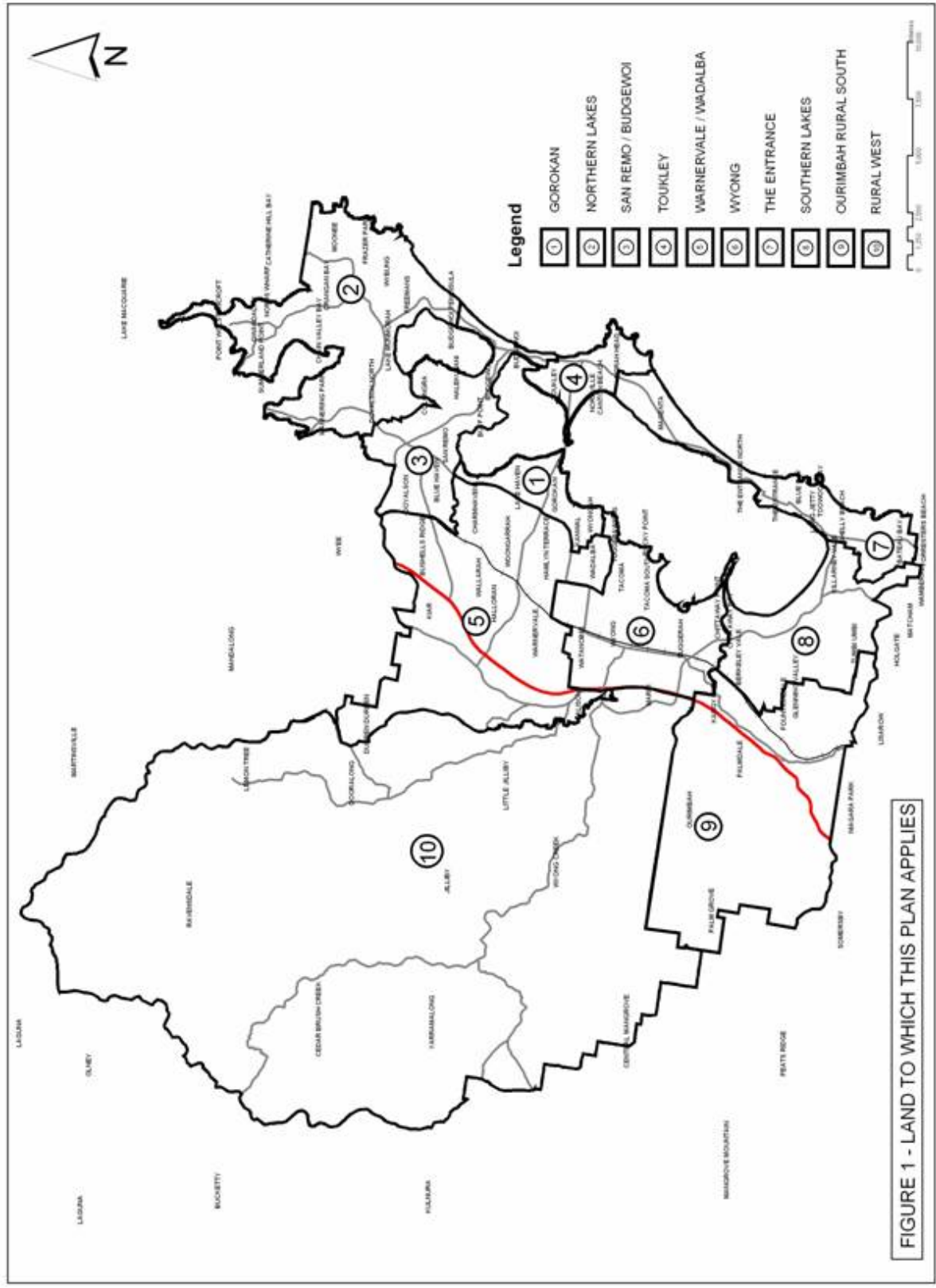


FIGURE 1 - LAND TO WHICH THIS PLAN APPLIES



## **B6 DEFINITIONS**

For the purposes of this plan a "Development Unit (DU)" is defined as being equivalent to a three bedroom residential dwelling. Where development other than a three bedroom dwelling is proposed, an equivalent contribution factor based on a proportion of DU will need to be calculated as follows:

|                    |         |
|--------------------|---------|
| 4 bedroom dwelling | 1.28 DU |
| 3 bedroom dwelling | 1.00 DU |
| 2 bedroom dwelling | 0.73 DU |
| 1 bedroom dwelling | 0.52 DU |

Occupancy rates for the Shire Wide Contributions Plan are based on the average occupancy rates for the urban release areas of Blue Haven, Hamlyn Terrace and Woongarra areas. This data is from the Census conducted in 2001.

Council will continue to monitor the occupancy rates during the life of this plan and will amend the plan to align with the updated occupancy rate as required. The current occupancy rate of 2.92 persons per dwelling unit (DU) will be applied to determine the contribution rate for a residential development. The applicable DU factor as outlined in the definitions will then be applied to determine the contribution rate for other dwellings.

## **B7 TIMING OF PAYMENT OF CONTRIBUTIONS**

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution. If no such time is specified, the timing of the payment of the contribution is as follows:

- Development applications involving subdivision - prior to release of subdivision certificates;
- Development applications involving building works - prior to the release of construction certificate; and
- Development applications where no building approval is required - at the time of development consent.

In regard to the latter case, the applicant may make a cash payment of contributions prior to issue of the development consent or alternatively lodge a suitable bank guarantee, also prior to issue of the consent. This bank guarantee will be called up upon commencement of the consent.

## **B8 CONSTRUCTION AND SUBDIVISION CERTIFICATES AND THE OBLIGATION OF ACCREDITED CERTIFIERS**

In accordance with section 94EC of the *EP&A Act* and Clause 146 of the *EP&A Regulation*, a certifying authority must not issue a construction or subdivision certificate for building or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) 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 clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

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

#### **B9 COMPLYING DEVELOPMENT AND THE OBLIGATION OF ACCREDITED CERTIFIERS**

In accordance with s94EC(1) of the *EP&A Act*, accredited certifiers must impose a condition requiring monetary contributions in accordance with this development contributions plan and chapter 86 of Council's Development Control Plan 2005 – Complying Development.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and strictly in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

#### **B10 DEFERRED/PERIODIC PAYMENTS**

Council does not permit deferred or periodic payments of developer contributions.

#### **B11 WORKS IN KIND AND MATERIAL PUBLIC BENEFIT**

It is not always possible for Council to carry out all works or land acquisitions identified within this plan within a timeframe that suits the orderly development of the area. For this reason, Council may accept an offer by the applicant to provide an "in-kind" contribution (ie. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this Plan.

Council may accept such alternatives in the following circumstances:

- a The applicant making a formal application to carry out the works; and
- b The standard of the works is to Council's full satisfaction; and
- c The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program

The value of the works to be substituted will be the value assigned to it under this contributions plan. If there is a dispute between Council and the developer over the value of the works, the developer must provide documented evidence of the value by an independently certified Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the Council. Council may review the valuation of works and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

Offsetting of contributions will not be automatic. Applications will be considered on their merits. Water and sewerage contributions (under the Water Management Act) will not be offset against contributions determined in accordance with this plan; rather they will be offset against the contributions determined in accordance with the Development Servicing Plan. Nor will Council offset contributions where such a situation is likely to lead to a delay in the provision of land or facilities to the detriment of the incoming development.

Where the value of a particular work in kind exceeds the contribution due for that work, this excess value may (subject to Council's concurrence) form a credit to the developer which will be repaid once the following criteria have been met:

- 1 The credit will not be refunded until such time as all of the developer's land within the area serviced by the subject land has been developed and all relevant contributions have been offset against the credit value.
- 2 The credit will not be refunded until such time as 75% of areas benefiting from the credited land have contributed to the scheme.
- 3 The credit should not be refunded if insufficient funds exist in the fund meaning the refund will impact on Council's ability to carry out works contained on its rolling works programme.

It may be feasible to provide temporary measures to service initial stages of development in lieu of constructing major works up front. Such proposals will need to be assessed at the time of application and provision of such works will be the sole responsibility and cost of the particular applicant, except where they form part of the final work identified in this contribution plan (in which case that part will be treated as works in kind).

The cost of temporary works not recognised as works in kind cannot be offset against any other contributions required under this Plan.

## **B12 EXEMPTIONS**

Council does not have a policy that exempts developments from payment of contributions under this plan. However, in accordance clauses contained within individual deeds of agreement, applications for subdivision of land within Precinct 11 & 13 South which are for the sole purpose of excising conservation or drainage land and do not contain any civil works, are exempt from contributions under this plan. In these cases, later development of the industrial component of these properties will be levied contributions in accordance with clause 2.20 of this plan.

## **B13 REVIEW OF CONTRIBUTION RATES**

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of administration of the plan or through changes in the costs of studies used to support the Plan, the Council will review the contribution rates.

The contribution rates will be reviewed by reference to the Consumer Price Index, Australia for Sydney as published by Australian Bureau of Statistics (Source: ABS 6401.0 Table 1) specific valuations for particular parcels of land that are identified in the s94 plan as published by the Council.

In accordance with clause 32(3)(b) of *the EP&A Regulation*, the following sets out the means that the Council will make changes to the rates set out in this plan.

For changes to the Consumer Price Index, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where

$\$C_A$  is the contribution at the time of adoption of the plan expressed in dollars;

Current Consumer Price Index is the Consumer Price Index, Australia for Sydney as published by Australian Bureau of Statistics available at the time of review of the contribution rate;

Base Consumer Price Index is the Consumer Price Index, Australia for Sydney as published by Australian Bureau of Statistics at the date of adoption of this Plan which is *156.1 September 2006*

*Note: In the event that the Current Consumer Price Index is less than the previous Consumer Price Index, the Current Consumer Price Index shall be taken as not less than the previous Consumer Price Index.*

#### **B14 ADJUSTMENTS TO CONTRIBUTIONS AT THE TIME OF PAYMENT**

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where

$\$C_P$  is the amount of the contribution calculated at the time of payment.

$\$C_{DC}$  is the amount of the original contribution as set out in the development consent.

$\$C_Q$  is the contribution rate applicable at the time of payment.

$\$C_C$  is the contribution rate applicable at the time of the original consent.

The current contributions are published by Council and are available from Council offices or on Council's web page.

## **B15 ALLOWANCE FOR EXISTING DEVELOPMENT**

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. In assessing the contribution allowance to be given to existing development the factors contained in Table 3 will be used. For example:

- Dwelling houses and single vacant allotments = 1 DU.
- Other dwellings:

|                |         |
|----------------|---------|
| 4 bedroom unit | 1.28 DU |
| 3 bedroom unit | 1.00 DU |
| 2 bedroom unit | 0.73 DU |
| 1 bedroom unit | 0.52 DU |

Where a development does not fall within any of the items noted above, the Council would determine the credit on the basis of the likely demand that the existing development would create.

## **B16 POOLING OF CONTRIBUTIONS**

In accordance with Clause 27(3) of the Environmental Planning and Assessment Act Regulation, this clause authorises the pooling of funds by Council to provide priority works and land.

The priorities for the expenditure of the levies are shown in the works schedule.

## **B17 SAVINGS AND TRANSITIONAL ARRANGEMENTS**

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

## **B18 TIMING OF WORKS**

Council is not able to bankroll works required as a consequence of development proposed under this Plan and will only be able to provide works and services when sufficient funds have been provided by way of contributions.

Priority spending of contributions may, however, be directed to particular items identified in this Plan and this has been considered in formulating works schedules. Actual timing of the works will be dependent on development patterns and funds available from Section 94 contributions.

**B19 TRANSFER / DEDICATION OF LAND**

Subject to prior agreement with Council, land may be transferred in lieu of making a contribution towards the acquisition of land and in some cases; Council may require transfer of particular land as a condition of consent where the value of land exceeds the contribution due for provision of this particular type of land. This excess value may (subject to Council's concurrence) form a credit to the developer which will be repaid once all the following criteria have been met:

- The credit will not be refunded until such time as all of the developer’s land within the area serviced by the subject land has been developed and all relevant contributions have been offset against the credit value.
- The credit will not be refunded until such time as 75% of the areas benefiting from the credited land have contributed to the scheme.
- The credit should not be refunded if insufficient funds exist in the fund meaning the refund will impact on Council's ability to carry out works contained on its rolling works programme.
- The value of a particular parcel of land will be the value assigned to it under this Contribution Plan.

Council will only accept land transfer where that land is of a suitable nature for the purpose for which it is being transferred. All land to be transferred to Council is to be free of any improvements, structures or other impediments which would restrict or hinder its future use or development for the purposes for which it is being acquired, unless otherwise agreed by Council. The land is also to be transferred in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

**B20 REVISION OF PLAN**

| Date     | Nature of Revision              |
|----------|---------------------------------|
| Jan 2007 | No previous version of the plan |
|          |                                 |
|          |                                 |
|          |                                 |
|          |                                 |
|          |                                 |
|          |                                 |
|          |                                 |

This Plan may be further revised if the extent or nature of the proposed development varies and these variations lead to a change in the demand for public services and amenities.

Costings of works identified in this Plan are based on preliminary designs and changes to cost estimates as a result of detailed design may also necessitate a revision to this Plan.

## PART C – STRATEGY PLANS

The strategy plans are the heart of the development contributions plan.

This part demonstrates what contributions are considered reasonable following consideration of nexus (i.e., the connection between the development and new facilities) and apportionment.

### C1 ESTABLISHMENT OF A NEXUS AND APPORTIONMENT

Many public infrastructure, services and facilities are likely to predominantly cater for residents of a specific locality. The provision of such has been dealt with on a district or urban release area basis within Council's other locality specific Section 94 Plans. However, new development often creates demand for additional or expanded Shire-wide or regional infrastructure, services and facilities. As an areas' population increases so does the demand for such infrastructure, services or facilities to cater for the overall needs of the Shire.

The relatively high growth and large population base that characterises Wyong Shire has generated a need to provide additional or expanded infrastructure, services or facilities to cater for the needs of the whole Shire. These are identified within this plan under separate headings below.

The justification for the provision of the various infrastructure, services or facilities and the standards for provision have also been addressed.

The contributions are based on future lot yields as identified in Council's Residential Development Strategy (RDS) – December 2002, updated by Council's Residential Land Monitor of December 2005. Table A shows, 1,733 of these new dwellings are expected to be constructed on existing vacant land. For the purposes of this plan, contribution apportionments have been calculated based on the data contained in *Table 4*:

**Table 4**

| <b>Lot Production Estimates</b> |   |   |   |   |
|---------------------------------|---|---|---|---|
| <b>Social Planning District</b> | <b>Future Lots Including Medium Density</b> | <b>Existing Vacant Lots @ December 2005</b> | <b>Total Future Lots Plus Vacant Lots</b> | <b>% Of Additional Future Lots to Total Future Lots</b> |
| Wyong                           | 4,894                                       | 256   | 5,150                                     | 95%   |
| Southern Lakes                  | 1,651                                       | 111   | 1,762                                     | 94%   |
| The Entrance                    | 9,535                                       | 88  | 9,623                                     | 99%   |
| Ourimbah                        | 797   | 34  | 831                                       | 96%   |
| Toukley                         | 2,759                                       | 32  | 2,791                                     | 99%   |
| Gorokan                         | 1,233                                       | 88  | 1,321                                     | 93%   |
| Warnervale/Wadalba              | 15,146                                      | 605   | 15,751                                    | 96%   |
| San Remo/Budgewoi               | 3,000                                       | 214   | 3,214                                     | 93%   |
| Northern Lakes                  | 1,303                                       | 305   | 1,608                                     | 81%   |
| Rural West*                     | 0   | 0   | 0   | 0%  |
| <b>Total</b>                    | <b>40,317</b>                               | <b>1,733</b>                                | <b>42,050</b>                             | <b>96%</b>  |

**SECTION 94 - CONTRIBUTIONS PLAN NO. 11 - SHIRE-WIDE  
INFRASTRUCTURE, SERVICES AND FACILITIES**

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*\*Note: Lot production estimates are sourced from Council's residential development Strategy. The rural west district is not included in that strategy. For growth in the rural west district, please refer to the population forecasts in Table 5.*

The population of the Shire is expected to grow significantly in the future. Council's population forecasts endorsed in 2006. Table 5 shows the breakdown of the future population forecasts.

**Table 5**

| <b>Population Forecasts</b>     |                |                |                |                |                |                |
|---------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Social Planning District</b> | <b>2006</b>    | <b>2011</b>    | <b>2016</b>    | <b>2021</b>    | <b>2026</b>    | <b>2031</b>    |
| Wyong                           | 14,648         | 16,974         | 18,830         | 20,139         | 21,778         | 23,506         |
| Southern Lakes                  | 26,008         | 26,453         | 26,737         | 27,024         | 27,257         | 27,762         |
| The Entrance                    | 26,713         | 29,850         | 32,706         | 34,877         | 36,812         | 37,849         |
| Ourimbah                        | 4,879          | 5,199          | 5,472          | 5,744          | 5,964          | 6,143          |
| Toukley                         | 9,708          | 10,581         | 11,664         | 12,669         | 13,865         | 15,048         |
| Gorokan                         | 19,452         | 19,497         | 19,644         | 19,913         | 20,372         | 20,890         |
| Warnervale/Wadalba              | 12,278         | 20,651         | 27,131         | 34,701         | 40,460         | 45,632         |
| San Remo/Budgewoi               | 19,724         | 19,865         | 19,743         | 20,147         | 22,690         | 24,473         |
| Northern Lakes                  | 14,579         | 14,576         | 14,957         | 15,809         | 15,881         | 15,958         |
| Rural West                      | 2,397          | 2,444          | 2,519          | 2,620          | 2,752          | 2,882          |
| <b>Total</b>                    | <b>150,386</b> | <b>166,090</b> | <b>179,403</b> | <b>193,643</b> | <b>207,831</b> | <b>220,143</b> |

For the purposes of this plan a "Development Unit (DU)" is defined as being equivalent to a three bedroom residential dwelling. Where development other than a three bedroom dwelling is proposed, an equivalent contribution factor based on a proportion of DU will need to be calculated, as follows:

|                    |         |
|--------------------|---------|
| 4 bedroom dwelling | 1.28 DU |
| 3 bedroom dwelling | 1.00 DU |
| 2 bedroom dwelling | 0.73 DU |
| 1 bedroom dwelling | 0.52 DU |

For the residential subdivision of land, one lot is taken to be equivalent to one DU.

## **C2 SCHEDULES OF CALCULATION AND JUSTIFICATION OF CONTRIBUTION COMPONENTS**

The following schedules provide specific detail on the relationship between new development and the demand for Shire-wide or regional infrastructure, services and facilities.



## SCHEDULE 1 - LIBRARY SERVICES

### Nexus

Wyong Shire Council provides a wide range of resources and services through branch libraries located at Bateau Bay, The Entrance, Toukley, Lake Haven, and Tuggerah. The libraries at The Entrance, Tuggerah and Lake Haven also offer a full range of Council services. The administration of the Library Service and technical services such as cataloguing is undertaken by a unit based at the Civic Centre in Wyong. The Wyong Shire Library service is one of the busiest in the State and enjoys wide community support and acceptance.

Libraries have wide catchment areas due to the tendency for many residents to access two or three different libraries depending on their daily movements. Whilst some residents only utilise the library nearest to home, others may use the one nearest to home, as well as one located where they shop, and another that is close to work.

The capacity of the current branches to serve the existing and future population is limited. The floor space available in all of the libraries is below the standard established by the Library Council of New South Wales in their publication *"People places: a guide for public library buildings in New South Wales"*, 2nd edition, Sydney, Library Council of New South Wales, 2005. The number of items which can be accommodated in these facilities and the services and programs which can be offered is constrained by the space available.

"The vital contribution of public libraries to social capital and to the educational and economic development of communities is recognised across the developed world. Support for this role has underpinned the commitment of local and State governments in New South Wales to high quality public library services. Libraries can be fully effective for their communities only if they have the right combination of proficient staff, up-to-date information resources, reliable equipment and telecommunications, and well-planned buildings". (*"People places: a guide for public library buildings in New South Wales"*, 2nd edition, Sydney, Library Council of New South Wales, 2005).

A number of factors may have an impact on the provision of library services into the future. These include:

- Public libraries as places of social capital.
- Ageing of the community.
- Development of a youth culture.
- Creation of new information technologies.
- Growth of a multicultural society.
- Recognition of indigenous community and its needs.
- A rise in competition and marketing for library service.
- Cultural development.
- Changing structure of NSW coastal communities.
- Impacts of Urban Consolidation.

These factors will be taken into consideration when planning the future provision of library buildings and services. There are a number of industry benchmarks and standards which will be utilised.

Benchmarks established by the *"Public Library Statistics", Sydney, State Library of New South Wales, 2004 / 2005*, will be used as part of the process to determine the number of items of library stock per capita required. The current benchmark for the provision of library stock in these documents is 2 items per additional person. Also, a survey of similar sized Council's has been undertaken. Whilst Council's current level of provision of library stock is below the recognised benchmark, Council has chosen to base this contributions scheme on a standard of 1.6 items per additional person which is the average rate for the 10 Council's surveyed.

### **Scheme Detail**

The proposed works are described as follows:

The acquisition of library stock at a rate of 1.6 items per additional person. This stock will be incorporated into the existing and future library network and circulated by borrowings and returns.

- The benchmark for the number of items per capita is derived from the *"Public Library Statistics", Sydney, State Library of New South Wales, 2004/2005* and a survey of similar sized Councils. The State average for items per capita in 2004/2005 was 2.45 items.

### **Apportionment of Costs**

Costs will be shared by all developments on a population basis.

A Shire wide occupancy rate of 2.92 persons per dwelling (*"Census of Population and Housing, 2001", Canberra, Australian Bureau of Statistics, 2002*) has been used for the purpose of calculating contributions for library stock.

### Program for Works and Funding

Income from library stock contributions will be spent in conjunction with Council's normal library expenditure program as identified in the Library Operational Plan and Council Management Plan.

### Contribution Rate Calculation

#### *Library Stock*

The contribution rate is calculated as follows:

|  |                     |
|--|---------------------|
| Cost for Library stock item per person                       | \$57.00             |
| Cost per person [1.6 items per person]                       | \$91.20             |
| Contribution per DU [2.92 people per DU x \$91.20]           | \$266.30            |
| Cost to be met by future development [\$266.30 x 40,317 DUs] | \$10,736,578        |
| Cost to be met by Council [\$266.30 x 1,733 DUs]             | \$461,505           |
| <b>Total</b>   | <b>\$11,198,083</b> |

## SCHEDULE 2 - PERFORMING ARTS CENTRE AND PUBLIC ART

### Nexus

#### *Performing Arts Facilities*

A *Cultural Plan for Wyong Shire 2005* identifies the lack of cultural facilities in the Shire for a broad range of activities such as performance, rehearsal, workshops, outdoor performance, collection management and exhibitions. This will become more acute as the population of the Shire increases. This view was expressed both by practitioners (community groups, individual artists etc) and by people who are the audience for arts and entertainment. Whilst there are several small district level facilities in the Shire (eg. Toukley Arts Centre, and a dance studio at Wadalba Public School) there is no cultural facility of a Shire wide and /or regional scale.

The *Cultural Plan for Wyong Shire 2005* recommends, in addition to district level facilities for arts and culture, that Council “establish and resource a Performing Arts Facility ... to provide a focus for community cultural activity, community pride and to nurture youth performing arts activity.” It is appropriate for such a facility to be funded by future development across the Shire as all residents potentially benefit from the existence of such a facility.

As a step towards achieving this goal, Council in 2005 commissioned a feasibility study that recommends a performing arts centre to support a diversity of arts programming and that includes a main theatre of up to 400 seat capacity and a smaller “black box” studio space for performance, workshops and exhibitions. Such a facility would be of shirewide significance.

The establishment of a performing arts centre is in Council’s Management Plan 2006-2007, as a key focus area.

Table A indicates the total cost to build a performing arts centre on the scale outlined above.

**Table 8: Cost of a 400 Seat Performing Arts Centre with “Black Box” Studio Space on either the Memorial Hall or River Road Site**

|   | Area (m <sup>2</sup> ) | \$/m <sup>2</sup> | Cost              |
|---|------------------------|-------------------|-------------------|
| Entrance                                      | 400                    | 800               | 320,000           |
| Foyer   | 400                    | 4,500             | 1,800,000         |
| Theatre                                       | 850                    | 5,800             | 4,930,000         |
| Studio  | 200                    | 3,300             | 660,000           |
| Café/Bar/Kitchen including fitouts            | 250                    | 3,000             | 750,000           |
| Admin. Including fitouts                      | 270                    | 2,800             | 756,000           |
| Back of house                                 | 850                    | 2,000             | 1,700,000         |
| WCs   | 100                    | 2,774             | 277,400           |
| Plant Rooms                                   | 600                    | 1,800             | 1,080,000         |
| External Works                                | 500                    | 400               | 200,000           |
| Terrace                                       | 400                    | 2,500             | 1,000,000         |
| Basement Carparking                           | 2,800                  | 1,250             | 3,500,000         |
| <b>Sub-Total</b>                              |                        |                   | <b>16,973,400</b> |
| Consultancies (design, administration)<br>10% |                        |                   | 1,697,340         |
| Site Costs                                    |                        |                   | 1,900,000         |
| Contingency (up to 20%)                       |                        | say               | \$3,000,000       |
| <b>TOTAL (rounded off)</b>                    |                        |                   | <b>23,600,000</b> |

### **Public Art**

Public art is art that is originally created for a public place, whether publicly or commercially owned. This can be two or three dimensional visual art such as sculpture, installations, murals, lighting, projection, water features, and elements of infrastructure. Public art is widely acknowledged to be an essential element in the design of the contemporary built environment, not an optional extra.

### **Nexus**

The *Cultural Plan for Wyong Shire 2005* recommends the development of a public art program for Wyong Shire. Public art contributes to placemaking through the creation of “inviting and inclusive outdoor space” and encourages “a sense of community ownership”. Every person in the population generates a need for public places such as town centres, plazas, car parks, recreation areas and community buildings. The provision of attractive public places is expected by the community and is an integral component of urban planning.

Public art aesthetically enhances public places, provides a medium for the expression of the community's identity, contributes to community life and to people's use and enjoyment of public places. It contributes to the dignity of formal public occasions such as commemorations and encourages informal interaction in parks, plazas, shopping precincts, community buildings and other public places in a way that can generate tolerance, awareness, identity and mutual respect. Art as a component of public places can have as powerful an impact on community building as libraries or community centres. Such community building is the more important in a community that is experiencing rapid growth.

It is appropriate for the provision of such public art to be funded by future development across the Shire as all residents potentially benefit from the presence of such facilities.

Public places of Shirewide significance can be defined as places that, either now or in the future:

- Symbolise the Shire.
- Attract a high level of visitation from the Shire and beyond.
- Mark the Major Road gateways to the Shire.

They include:

- Wyong Civic Precinct.
- Wyong Performing Arts Centre.
- The Entrance Town Centre.
- Warnervale Town Centre.
- Wyong Road, Tuggerah, gateway.
- Sparks Road, Warnervale, gateway.
- The Entrance Road, Forresters Beach, gateway.

Major public art commissions at each of these nine locations could attract grant funding from both the NSW Ministry for the Arts and the Australia Council and/or sponsorship. Such funding would be contingent on a contribution from Council.

The cost of public art work depends on the physical size, cost of manufacture, installation and the skill and reputation of the artist. To ensure that commissions would attract the interest of established artists and ensure work of high quality and stature, the cost per commission would need to be a minimum \$200,000 (ie. \$1,800,000 in total for shire-wide public art). This figure is commensurate with commissions for similar scale projects in other local government areas.

#### *Scheme Detail*

The costs to be recovered under this plan include:

- Construction costs for a Performing Arts Centre.
- Funding for mayor public art commissions.

Table B provides details of the costs to be recovered under this section of the plan.

**Table 9**

| Description                                 | Total costs of providing Performing Arts Centre and Public Art |
|---|--|
| Performing Arts Centre - Construction Costs | \$23,600,000   |
| Public Art Provision – Major Commissions    | \$1,800,000  |
| <b>Total</b>                                | <b>\$ 25,400,000</b>   |

**Apportionment of Costs**

It is proposed that future development within all districts will contribute a share to the construction of a Performing Arts Centre and the Public Art Commissions.

**Program for Works and Funding**

The Performing Arts Centre is proposed to be established in the medium term with a nominal date of the 4<sup>th</sup> quarter of 2008 to commence construction.

A Public Art Policy is proposed to be developed in 2006 – 2007 and it is expected public art commissions will commence in 2008.

**Contribution Rate Calculation**

The contribution rate is calculated as follows:

***Performing Arts Centre***

|  |              |
|--|--------------|
| Total cost of future regional open space not contained in District Contribution Plans. | \$23,600,000 |
| Population contributing [future total population]                                      | 220,143      |
| Contribution per person  | \$107.20     |
| Contribution per DU [\$107.20 x 2.92(persons per DU)]                                  | \$313.03     |
| Cost to be met by Council (150,386 people X \$107.20)                                  | \$16,121,379 |
| Cost to be met by future development [\$23,600,000 – \$16,121,379]                     | \$7,478,621  |

***Public Art Commissions***

|  |             |
|--|-------------|
| Total cost of future regional open space not contained in District Contribution Plans. | \$1,800,000 |
| Population contributing [future total population]                                      | 220,143     |
| Contribution per person  | \$8.18      |
| Contribution per DU [\$8.18 x 2.92 (persons per DU)]                                   | \$23.88     |
| Cost to be met by Council (150,386 people X \$8.18)                                    | \$1,230,158 |
| Cost to be met by future development [\$1,800,000 - \$1,230,158]                       | \$569,842   |

## **SCHEDULE 3 - REGIONAL OPEN SPACE**

### **Nexus**

Wyong Shire will ultimately contain additional areas of active regional open space. Council has provided Shire wide/regional open space for the existing residents of the Shire, for example at The Entrance (Memorial Park), passive recreation areas alongside Tuggerah, Budgewoi and Munmorah Lakes, Wyong Regional Sports Complex, Extreme Sports Park, Mingara Athletics Track and Swimming Pool, Wyong and Toukley Swimming Pools, The Entrance Ocean Baths, and the like. It is, therefore, considered to be reasonable that future development fund these additional areas.

### *Pollock Ave*

The first area is situated at Pollock Ave Wyong and is known as the Wyong Regional Sporting Complex. This project will incorporate additional playing fields which are likely to be synthetic surfaces. The land containing this complex is already in public ownership and it is not proposed to include any land acquisition costs for this site in this plan. A plan of management for the site exists that outlines the future uses and management of the area.

### *San Remo*

The second area of regional open space will be located at San Remo on land previously owned by Delta Electricity on the corner of Highview Street and Scenic Drive. Council has a 20 year lease on the land holding that includes a dam site and open space adjoining Camp Breakaway. The site will accommodate a number of extreme sporting activities including BMX, mountain bikes, mountain boards, off road inline skates, etc.

### *Saltwater Creek Park*

Saltwater Creek Park proposal is to redevelop an existing park located at the entry to a major area of redevelopment on The Entrance peninsular to increase its capacity and variety to provide for residents and visitors to the Shire. The redevelopment of the park will include the provision of improved amenities, sensory gardens, picnic and BBQ facilities, age specific playgrounds with shade and perimeter fencing and improved facilities for larger groups of people.

### *Recreation Facilities Strategy*

This consultancy project will provide the basis for the for the development of all Sport and Recreation facilities in the short to medium term in the Wyong Shire. The community's needs for Local, Neighbourhood, District and Regional Recreation facilities are identified, prioritised, developed and maintained to encourage a healthy lifestyle and community participation in recreation activities.

### **Scheme Detail**

#### *Pollock Ave*

The cost to be recovered under this plan include the investigation, design and construction costs. The total estimated cost for the works at Pollock Ave is \$5,000,000.



***San Remo***

The remaining stages of the facility will include the development of office space, kiosk, equipment rental space, a storeroom and the development of adjoining land for archery, beach volleyball, obstacles course and rock climbing. These remaining stages are estimated to cost \$500,000 and the timing of these stages will depend on a usage demand analysis.

***Saltwater Creek Park***

The cost of this redevelopment will include parking and existing shared cycle way and is estimated to cost \$500,000.

***Recreation Facilities Strategy***

This project will address all forms of sport and recreation in a two stage process and identify high priorities for facility construction. The first stage of the project is estimated to cost \$70,000 and the second stage is estimated to cost \$50,000.

**Apportionment of Costs**

It is proposed that future development within all districts will contribute a share of the cost of providing future regional open space.

**Program for Works and Funding**

The Pollock Avenue site is expected to be complete by 2013.

The San Remo site is expected to be complete by 2010.

The Saltwater Creek Park is proposed to be constructed in 2008/09.

The Recreation Facilities Strategy is expected to be completed in 2007/08.

These timeframes are based on participation rate projections and the estimated saturation rate for existing facilities. The development of additional facilities at these sites is contained within the master plans and plans of management for the sites.

**Contribution Rate Calculation**

The contribution rate is calculated as follows:

|   |                |
|---|----------------|
| Total cost of future regional open space not contained in District Contribution Plans | \$6,620,000    |
| Apportionment to future population  | 100%           |
| Future DUs contributing   | 42,050         |
| Contribution per DU   | \$157.43       |
| Cost to be met by future development [ $\$157.43 \times 40,317$ (new DUs)]            | \$6,347,170.99 |
| Cost to be met by Council [ $1,733 \times \$157.43$ ]                                 | \$272,829.01   |

## **SCHEDULE 4 - SHIRE CYCLEWAY NETWORK**

### **Nexus**

Council has a program for the continued extension of the Shire's cycleway network to meet the demands of both the existing and future population. Currently a total of 102.7 kilometres of cycleway has been constructed, with a further 152.44 kilometres proposed over the next twenty years. Council Bicycle Plan 2001 provides a breakdown of costings for this work. Only new works have been included in this contributions plan. In the past Council has received a 50/50 grant from the RTA to assist in the construction of off road cycleways (or shared paths). For the purposes of this plan, it has been assumed that this grant arrangement will continue to be received for shared pathways.

### **Scheme Detail**

The proposed works are detailed in Council's Bicycle Plan 2001 and the 2006 review of the Bicycle Plan. Annual expenditure is included in Council's Management Plan. Cycleway construction identified within this Shirewide Contribution Plan is in addition to those cycleways identified within open space works or roads schemes in other district contribution plans and therefore are payable in addition to these other schemes.

### **Apportionment of Costs**

It is proposed that new development will contribute towards a share of costs for providing future cycleways. Projections indicate that Wyong Shire will accommodate an additional 69,759 people in up to 42,050 new dwellings by 2031.

The current population has supplied the existing cycleway network within the Shire. It is considered reasonable for the future population to supply the remainder of cycleway network. Therefore, future development is responsible for a percentage of costs towards the future cycleway network.

Council's Bicycle Plan 2001 identified costs associated with the construction of a further 152.44 kilometres of cycleway. However, since the review of the Bicycle Plan in 2006, Council's standards for the construction of off road cycleways has increased. A breakdown of these costs is shown in *Table 10*:

SECTION 94 - CONTRIBUTIONS PLAN NO. 11 - SHIRE-WIDE  
INFRASTRUCTURE, SERVICES AND FACILITIES

**Table 10**

| Term          | Route Type       | Length (m)    | Bridges      | Cost Estimate       | Less RTA Grant     | Cost to Plan        |
|---------------|------------------|---------------|--------------|---------------------|--------------------|---------------------|
| <b>Short</b>  | On Road          | 9,000         |              | \$2,400,000         |                    | \$2,400,000         |
|               | Off Road         | 8,250         | 18           | \$1,192,500         | \$596,250          | \$596,250           |
|               | Sign Post        | 26,700        |              | \$104,130           |                    | \$104,130           |
|               | <b>Sub Total</b> | <b>43,950</b> |              | <b>\$3,696,630</b>  |                    | <b>\$3,100,380</b>  |
| <b>Medium</b> | On Road          | 12,550        |              | \$4,040,000         |                    | \$4,040,000         |
|               | Off Road         | 9,655         |              | \$1,309,650         | \$654,825          | \$654,825           |
|               | Sign Post        | 34,550        |              | \$230,845           |                    | \$230,845           |
|               | <b>Sub Total</b> | <b>56,755</b> |              | <b>\$5,580,495</b>  |                    | <b>\$4,925,670</b>  |
| <b>Long</b>   | On Road          | 25,950        |              | \$3,712,000         |                    | \$3,712,000         |
|               | Off Road         | 11,685        | 2            | \$1,523,650         | \$761,825          | \$761,825           |
|               | Sign Post        | 14,100        |              | \$54,990            |                    | \$54,990            |
|               | <b>Sub Total</b> | <b>51,735</b> |              | <b>\$5,290,640</b>  |                    | <b>\$4,528,815</b>  |
|               |                  |               | <b>Total</b> | <b>\$14,567,765</b> | <b>\$2,012,900</b> | <b>\$12,554,865</b> |

**Program for Works and Funding**

Income from cycleway contributions will be spent annually in conjunction with Council's normal cycleway expenditure programme as identified in the Open Space Business Plan and Council's Management Plan.

**Contribution Rate Calculation**

The contribution rate is calculated as follows:

|   |              |
|---|--------------|
| Total cost of future cycleway not contained in District Contribution Plans. | \$12,554,865 |
| Apportionment to future population  | 100%         |
| Future DUs  | 42,050       |
| Contribution per DU   | \$298.57     |
| Cost to be met by future development [ $\$298.57 \times 40,317$ (new DUs)]  | \$12,037,443 |
| Cost to be met by Council [ $\$298.57 \times 1,733$ ]                       | \$517,422    |

## SCHEDULE 5: ADMINISTRATION

### Nexus

The effective administration and management of the development contribution process is crucial to achieving the objectives of the Section 94 process. To ensure that contribution funds are managed effectively and that services and facilities are provided within a reasonable time, Council has a number of staff that are directly involved in the contribution process. The administration and management costs to be recovered under this plan only partly cover the full costs of the process; however the Department of Planning recognises that these costs are a legitimate cost able to be recovered under Section 94. The administration costs will be included in all of Council's contributions plans. Based on the coverage of this contributions plan, 15% of the total administration costs are included.

### Scheme Detail

The costs to be recovered under this plan include:

- The salary and operating costs over a 5 year period for the coordination of the contribution process.
- A salary component over a five year period for other Council officers who are directly involved in preparing plans and carrying out other Section 94 functions.
- On-costs, vehicles and award increases over a 5-year period.

Table 6 provides details of the costs to be recovered under this section of the plan.

**Table 6**

| Description                             | Total Salary & On Costs for 5 year Period | Percentage to be Recovered by S94 | Amount to be Recovered across All Contribution Plans | Amount to be Recovered by this Plan Based on 15% of Total Costs |
|---|---|-----------------------------------|--|---|
| Development Contributions Section Staff | \$1,366,898                               | 100%                              | \$1,366,898  | \$205,035   |
| Accounting Staff                        | \$430,367                                 | 20%                               | \$86,073   | \$12,911  |
| Development Design Staff                | \$2,065,821                               | 35%                               | \$723,037  | \$108,456   |
| Subdivision Supervision Staff           | \$1,382,307                               | 20%                               | \$276,461  | \$41,469  |
| <b>Total</b>                            |   |                                   | <b>\$2,452,470</b>                                   | <b>\$367,871</b>  |

### Apportionment of Costs

Costs will be shared by all developments on an equivalent dwelling unit basis. The costs of this scheme have been calculated based on a five-year period – for the purpose of this calculation, the years 2007–2011 inclusive has been used. The total costs over that five-year period have been apportioned over new development forecasted for the same five-year period.

Table 7 provides details of new development forecasted for the period 2007 – 2011.

**Table 7**

| Development Type | Equivalent Dwelling Units or Tenements per Year |              |              |              |            |              |
|------------------|---|--------------|--------------|--------------|------------|--------------|
|                  | 2007  | 2008         | 2009         | 2010         | 2011       | Total        |
| Subdivision Lots | 616   | 800          | 860          | 780          | 375        | 3,431        |
| Medium Density   | 454   | 450          | 450          | 450          | 454        | 2,258        |
| Commercial       | 5   | 5            | 5            | 5            | 5          | 25           |
| Industrial       | 5   | 5            | 5            | 5            | 5          | 25           |
| Other            | 10  | 10           | 10           | 10           | 10         | 50           |
| <b>Total</b>     | <b>1,090</b>                                    | <b>1,270</b> | <b>1,330</b> | <b>1,250</b> | <b>849</b> | <b>5,789</b> |

*Source: Residential and medium density figures – Department of Planning Metropolitan Development Programme 04/05. Commercial, Industrial and other figures based on historical DA's for 2004 & 2005.*

### **Program for Works and Funding**

Income from administration contributions will be allocated annually to the salaries of the relevant staff in conjunction with Council's Management Plan.

#### Contribution Rate Calculation

The contribution for new development is calculated using the following formula:

$$\begin{aligned}
 \text{Contribution per DU} &= \frac{\text{Annual salary costs for staff involved in S94} \times 5 \text{ years}}{\text{Future Equivalent DU in next five years}} \\
 &= \$367,871 \text{ per } 5,789 \text{ DU} \\
 &= \mathbf{\$63.55 \text{ PER DU}}
 \end{aligned}$$

## **PART D – REFERENCES**

This part provides a list of documents used to prepare this plan.

### **Part A**

### **Part B**

### **Part C**

#### ***Schedule 1***

#### ***Schedule 2***

*"People places: a guide for public library buildings in New South Wales"*, 2<sup>nd</sup> edition, Sydney, Library Council of New South Wales, 2005.

*"Public Library Statistics"*, Sydney, State Library of New South Wales, 2004/2005.

*"Census of Population and Housing, 2001"*, Canberra, Australian Bureau of Statistics, 2002.

*"Building Cost Guide"* for Commercial and Industrial Development prepared by Rawlinsons – 1996 edition.

#### ***Schedule 3***

*Guidelines for the Planning and Provision of Community Facilities in Wyong Shire – Section 94 Background Report.*

*"Wyong Shire Council Community Plan 2002"*.

#### ***Schedule 4***

*"A Cultural Plan for Wyong Shire 2005"*, p.61.

*"Wyong Performing Arts Centre Feasibility Study"*, Tonkin Zuleika Greer, February 2006, p.39-40 & Appendix 8.

*"Draft Placemaking and Public Art Policy"*, WSC, 2006, p.8 & p.75.

*"A Cultural Plan for Wyong Shire 2005"*, p.74.

*"How to Turn a Place Around"*, Project for Public Spaces, 2005, p.11.

#### ***Schedule 5***

#### ***Schedule 6***