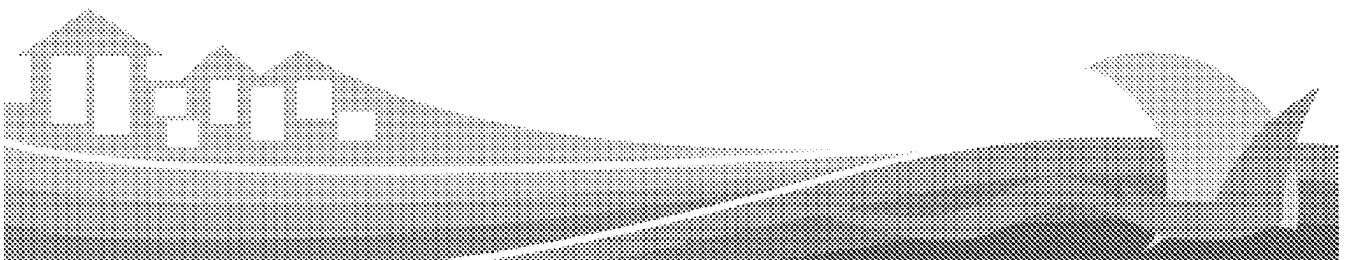


Ourimbah District Development Contributions Plan 2010

EXHIBITION DRAFT

April 2010



Contents

Summary Schedules	1
1 Administration and Operation of this Plan	2
1.1 Name of this Plan	2
1.2 Area to which this Plan Applies	2
1.3 Purpose of this Plan	2
1.4 Commencement of this Plan	2
1.5 Relationship with other Plans and Policies	2
1.6 Definitions	4
1.7 When is the Contribution Payable?	4
1.8 Construction Certificates and the Obligation of Accredited Certifiers	4
1.9 Complying Development and the Obligation of Accredited Certifiers	5
1.10 Deferred and Periodic Payments	5
1.11 Can the Contribution be Settled "In-Kind"?	5
1.12 Exemptions	6
1.13 Review of Contribution Rates	7
1.14 How are Contributions Adjusted at the Time of Payment?	7
1.15 Are there Allowances for Existing Development?	8
1.16 Pooling of Contributions	8
1.17 Savings and Transitional Arrangements	8
1.18 Timing of Works	8
1.19 Dedication / Transfer of Land	9
1.20 What Types of Development will be Levied?	9
1.21 Revision of Plan	11
2 Urban Characteristics and Population	12
2.1 Expected Future Development	12
2.2 Population Increase	12
2.3 Occupancy Rates	12
2.4 Meeting Population Needs	12
3 Community Infrastructure and Contributions	13
3.1 Roadworks and Traffic Management	13
3.1.1 Scheme Details	13
3.1.2 Apportionment of Costs	14
3.1.3 Program for Works and Funding	14

Table of Contents

3.1.4	Calculation of the Contribution Rate	14
3.2	Open Space and Recreational Facilities	21
3.2.1	Nexus between Development and Demand	21
3.2.2	Open Space Land Requirements	22
3.2.3	Calculation of the Contribution Rate	23
3.2.4	Apportionment of Costs	24
3.3	Community Facilities	25
3.3.1	Nexus between Development and Demand	25
3.3.2	Community Facilities Land Requirements	26
3.3.3	Calculation of the Contribution Rate	26
3.4	Administration	27
3.4.1	Nexus	27
3.4.2	Apportionment	27
3.4.3	Calculation of the Contribution Rate	28
Appendix A -- References		29
Appendix B -- Schedule of Works		30

Tables

Table 1	Summary Schedule – Contributions Rates Per DU by Category	1
Table 2	Types of Development required to Contribute towards the Various Contribution Categories	10
Table 3	Plan Amendments	11
Table 4	Development and Population Potential	12
Table 5	Minimum Open Space Areas	21
Table 6	Apportionment Open Space Areas	22
Table 7	Embellishment Rates per Square Metre	23
Table 8	Open Space Embellishment Costs	23
Table 9	Community Facilities	26
Table 10	Costs to be Recovered by this Plan	27
Table 11	Percentage of DUs Apportioned to this Plan Area	28

Figures

Figure 1	Contributions Plan Area	3
Figure 2	Industrial Area – Mill Street, Ourimbah	16
Figure 3	Roads and Intersections – Reservoir Road, Ourimbah	17
Figure 4	Roads and Intersections – Walmsley Road / Pacific Highway Intersection, Ourimbah	18
Figure 5	Roads and Intersections – Fern Road and Glen Road, Ourimbah	19
Figure 6	Ourimbah Urban Release Area – Shirley Street / Cutrock Road, Ourimbah	20

Summary Schedules

The following summary schedules are included in this plan:

- Schedule of Works (contained in Appendix B) and
- Contributions rates per DU, by category (Table 1)

Table 1 Summary Schedule – Contributions Rates Per DU by Category

Category	Rate
Roadworks and Traffic Management	
Mill Street Drainage (per metre of development frontage)	\$304/m
Reservoir Road	\$17,701/DU
Walmsley Road	\$669
Glen Road / Fern Road	\$10,988
Shirley Street / Cutrock Road	\$2,404
Pacific Highway Industrial / Commercial - Glen Road / Walmsley Road	\$202,007/ha
Open Space and Recreational Facilities Works	\$3,861
Community Facilities Works	\$3,231
Administration	\$458

Refer to Section 3 for details of how these rates are calculated.

1 Administration and Operation of this Plan

1.1 Name of this Plan

This plan is called the Ourimbah District Development Contributions Plan dated

1.2 Area to which this Plan Applies

This plan applies to land within the Ourimbah Social Planning District, as shown in Figure 1.

1.3 Purpose of this Plan

The purpose of this plan is to:

- provide an administrative framework under which specific public facilities strategies may be implemented and coordinated
- ensure that adequate public facilities are provided for as part of any new development
- authorise Council to impose conditions under section 94 (s94) of the Environmental Planning and Assessment ("EP&A") Act 1979 when granting consent to development on land to which this plan applies
- provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development, and
- enable Council to be both publicly and financially accountable in its assessment and administration of this Development Contributions Plan

1.4 Commencement of this Plan

This 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.

1.5 Relationship with other Plans and Policies

This plan repeals the following development contributions plans:

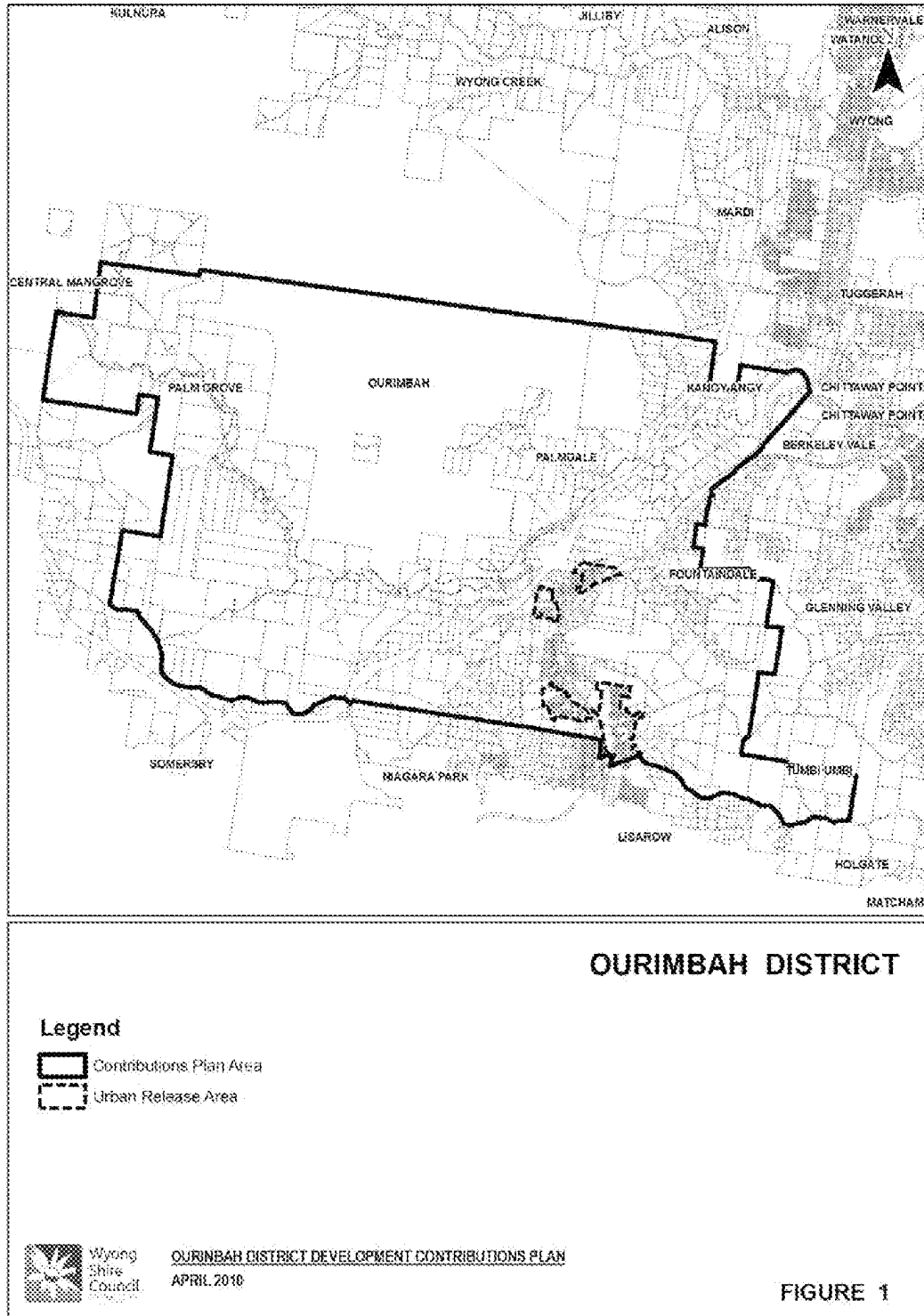
- Contributions Plan No 5 – Ourimbah District - November 2006

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 replaces any requirements and details related to Section 94 Contributions that exist within any Development Control Plan prepared by Council for this area.

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 (for example, the Shire Wide Contributions Plan).

Figure 1 Contributions Plan Area



1.6 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 in accordance with Table 2.

For the purposes of this plan, "Net Developable Area (NDA)" is expressed in hectares and is the actual area on which a development could be sited. NDA excludes land for trunk drainage, roads, open space, community facilities, noise buffers, undevelopable lands and certain major non-residential land uses.

1.7 When is the Contribution Payable?

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 the construction certificate
- 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.

1.8 Construction 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 certificate for building work 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 or dedication of land has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the developer.

1.9 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 be 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.

1.10 Deferred and Periodic Payments

Council will generally not accept deferred or periodic payment of contributions required under this plan.

Council has, however formulated a policy in relation to the negotiation and preparation of planning agreements which provides for the consideration of deferred or periodic payments.

Consideration of requests for deferral of contributions will involve careful consideration of community/public infrastructure delivery and financial implications for Council.

1.11 Can the Contribution be Settled "In-Kind"?

Council may accept an offer by the developer to provide an "in-kind" contribution (i.e. the developer completes part or all of work/s identified in this plan) in lieu of the developer satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- the developer making a formal application to carry out the works, and
- the standard of the works is to Council's full satisfaction

The value of the works to be substituted will be the value assigned to it under this 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 developer to enter into a written Works In Kind Agreement for the provision of the works prior to the commencement of the works.

Acceptance of any such alternative is at the sole discretion of 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 Council in determining the value of the works or land will be paid by the developer.

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 relevant Development Servicing Plan. Offsetting of contributions, if considered appropriate, will also only be permitted to occur within the same contributions plan area and against the same category (e.g. dedication of open space land can only be used to offset contributions for open space land and/or works).

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 population.

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. The timing for the repayment of the credit is to be included in the Works In Kind Agreement. Unless otherwise agreed, the credit will be repaid once all of the following criteria have been met:

- all of the developer's land within the area serviced by a contributions plan covering that area has been developed and all relevant contributions have been offset against the credit value
- 75% of the areas benefiting from the credited land have contributed to the scheme
- sufficient funds exist in the fund ensuring the refund will not 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 developer, except where they form part of the final work identified in this 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.

1.12 Exemptions

Council does not have a policy that exempts any development from payment of monetary contributions levied under this plan, except in the following circumstances:

- the Crown as a private developer (e.g. Landcom subdivision of land) – contributions will apply in the same manner as they would for a private development
- developments provided by the Crown which provide a public service (e.g. school, court house, hospital) – contributions will be assessed based on the demand for community infrastructure
- in accordance with any direction issued by the Minister under Section 94(e) of the EP&A Act

1.13 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 changes, the capital costs of administration of the plan or through changes in the costs of studies used to support the plan, Council will review the contribution rates.

The contribution rates will be reviewed by reference to the following specific indices:

- roadworks and traffic management facilities, drainage works, open space and recreational facilities, community facilities and administration by the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics (Source: ABS 6401.0 Table 1)

In accordance with clause 32(3)(b) of the EP&A Regulation, the following sets out the means that 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 this plan expressed in dollars

Current Consumer Price Index is the Consumer Price Index, Australia for Sydney as published by the 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 the Australian Bureau of Statistics used in the preparation of this plan which is 169.1 (February 2010)

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.

1.14 How are Contributions Adjusted at the Time of Payment?

The contributions stated in development consents 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:

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

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

1.15 Are there Allowances 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. For example:

- dwelling houses and single vacant allotments – 1.00 DU
- other dwellings:
 - 4 bedroom units – 1.28 DU
 - 3 bedroom units – 1.00 DU
 - 2 bedroom units – 0.73 DU
 - 1 bedroom units – 0.52 DU

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

1.16 Pooling of Contributions

To provide a strategy for the orderly delivery of the infrastructure, this plan authorises monetary community infrastructure contributions paid:

- for different purposes in accordance with the conditions of various development consents authorised by this plan, and
- for different purposes under any other contributions plan approved by the Council

to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary community infrastructure contributions under this plan are the priorities for works as set out in the relevant works schedules (Appendix B).

In deciding whether to pool and progressively apply contributions funds, Council is satisfied that this action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

1.17 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.

1.18 Timing of Works

Council is generally not able to bankroll proposed 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.

1.19 Dedication / Transfer of Land

Subject to prior agreement with Council, land may be dedicated/transferred in lieu of making a contribution towards the acquisition of land and in some cases, Council may require dedication/transfer of particular land as a condition of consent. Council will only accept land dedication/transfer where that land is of a suitable nature for the purpose for which it is being dedicated/transferred. All land to be dedicated/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 dedicated/transferred in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

1.20 What Types of Development will be Levied?

Unless otherwise stated within the various schemes, the contribution rates contained within this plan will be levied upon any type of development or subdivision of land within the relevant catchment.

Table 2 summarises the types of development which will be required to contribute towards the various contribution categories.

Table 2 Types of Development required to Contribute towards the Various Contribution Categories

Development Types	Factor	Open Space	Community Facilities	Roads	Administration
Residential Flats & Dual Occupancies (including private self contained dwelling and infill self care housing as defined under SEPP – Seniors Living)					
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/lot	√	√	√	√
Shops/Offices	0.005/m ²			√	√
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	NDA			√	√
Industrial Development	NDA			√	√
Shopping Centre	0.001/m ²			√	√
Restaurants	0.008/m ²			√	√
Tourist 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 – Holiday Site	0.52/site			√	√
Caravan Park – Long Term	0.73/site			√	√
Schools	0.04/pupil			√	√
Licensed Club	0.04/occpt			√	√
Hotel	0.01/m ²			√	√
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

1.21 Revision of Plan

This Plan may be 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. Table 3 outlines the amendments to this Plan.

Table 3 Plan Amendments

Date	Nature of Revision
October 1992	No previous versions
September 1995	Amended
November 1996	Amended
September 2002	Amended
November 2002	Amended
January 2007	Amended
April 2010	Amended

2 Urban Characteristics and Population

2.1 Expected Future Development

This plan relates to demand for public facilities and services created by residential and industrial development within the Ourimbah District of the Wyong Local Government Area.

It is forecast that a further 91 lots will be developed within the Plan area. These development assumptions are based on an assessment of the areas, known rezoning proposals and historic rates of development.

In addition, an allowance has been given to further subdivision of existing zoned properties within each area based on the size of the property and the characteristics of surrounding development. Details of the proposed development potential within the area are shown in Table 4.

Table 4 Development and Population Potential

Location	Future Lots (a)	Medium Density DUs (c)	Total DUs (a + c)	Estimated Population (@ 2.72 people per DU)
Ourimbah	87	103	190	517
Fountaindale	4	0	4	11
Lake Haven	0	0	0	0
TOTAL	91	103	194	528

2.2 Population Increase

The population increase for the Plan area is anticipated to be 528. This is based on an occupancy rate of 2.72 persons per dwelling unit (DU).

2.3 Occupancy Rates

Occupancy rates for this Contributions Plan are based on the average occupancy rates for the areas of Kangy Angy, Ourimbah, Palm Grove, Palmdale and Tumbi Umbi. This data is from the Census conducted in 2006.

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 2.72 persons per dwelling unit (DU) will be applied to determine the contribution rate for a residential development. The applicable DU factor will then be applied to determine the contribution rate for other types of development.

2.4 Meeting Population Needs

The incoming population will be distributed across the district. This additional population will create increased demand for a range of services including roadworks and traffic management, open space facilities and community facilities.

3 Community Infrastructure and Contributions

3.1 Roadworks and Traffic Management

The following contribution schemes have been identified in the Ourimbah District. Details of these schemes are outlined further below.

- Mill Street Drainage
- construction of Reservoir Road
- improvements to Walmsley Road/Pacific Hwy Intersection
- construction of Glen Road and Fern Road
- road and drainage improvements in Shirley Street/Cutrock Road area
- industrial and commercial developments on Pacific Highway, Ourimbah

The approach to establishing road and intersection requirements for this area has been:

- identify existing road hierarchy and traffic flows
- predict future road hierarchy and traffic flows generated by existing development or existing zoned areas for which no contributions may be sought when development does proceed, but excluding the proposed development
- identify road and intersection improvements necessary to cater for these predicted flows
- predict future road hierarchy and traffic flows generated by all future development including the proposed development
- identify additional road and intersection improvements necessary to cater for these predicted flows, and
- Where necessary, apportion costs of improvements based on traffic flows

The road and intersection requirements are based on technical reports completed by Council's Design Section.

The traffic study completed for this area indicated that the existing roads and intersections are adequate to cater for existing development and future single dwelling development on existing residential lots. The study also identified that upgrading of certain roads and intersections would be required to cater for the future development.

3.1.1 Scheme Details

The proposed works within the various schemes are described below and shown in Figures 2-6.

- Mill Street Drainage: Construction of pipe drainage along Hill Street and into Cutrock Creek (Figure 2)
- Reservoir Road: Construction and sealing of Reservoir Road with 4 metres wide bitumen seal (Figure 3)
- Walmsley Road Intersection: Lane widening and turning bays at the intersection Walmsley Road and the Pacific Highway (Figure 4)
- Glen Road and Fern Road: Construction and sealing of Glen Road and Fern Road to a 4 metre wide bitumen standard (Figure 5)
- Shirley Street/Cutrock Road: Widening and upgrading of Shirley Street and Cutrock Road, construction of a link road at Baileys Road and construction of culverts at Bangalow Creek and Shirley Street (Figure 6)

- Pacific Highway: Glen Road to Walmsley Road industrial and commercial developments access road/intersections/related land (Figure 4)

3.1.2 Apportionment of Costs

For road and intersection schemes, apportionment of costs for each scheme will be on the basis of traffic generated. However, as development throughout the release area will be similar in nature and will generate similar traffic volumes, contribution rates will be calculated on a per dwelling unit, or equivalent, basis.

For the drainage scheme, costs have been apportioned on the development area within the drainage catchment.

3.1.3 Program for Works and Funding

All roadworks and traffic management facilities required under this plan have been delivered. Funds for these roadworks and traffic management facilities have not been recouped.

3.1.4 Calculation of the Contribution Rate

Contribution rates for each of these schemes are as follows:

Mill Street Drainage

Properties are likely to have similar run-off characteristics and apportionment of costs should therefore be on an area basis. All properties are of the same depth, contribution rates have been calculated on a length of frontage basis.

$$\begin{aligned} \text{Contribution Rate} &= \text{Cost/Total frontage of all lots} \\ &= \$49,111/161.8 \\ &= \$304 \text{ per metre} \end{aligned}$$

Reservoir Road

$$\begin{aligned} \text{Contribution Rate} &= \text{Cost per DU} \\ &= \$212,409/12 \\ &= \$17,701 \text{ per DU} \end{aligned}$$

Walmsley Road

$$\begin{aligned} \text{Contribution Rate} &= \text{Cost per DU} \\ &= \$137,836/206 \\ &= \$669 \text{ per DU} \end{aligned}$$

Glen Road / Fern Road

$$\begin{aligned} \text{Contribution Rate} &= \text{Cost per DU} \\ &= \$417,561/38 \\ &= \$10,988 \text{ per DU} \end{aligned}$$



Shirley Street / Cutrock Road

Contribution Rate = Cost per DU
= \$858,094/357
= \$2,404 per DU

Pacific Highway Industrial / Commercial - Glen Road / Walmsley Road

Contribution Rate = Cost per NDA
= \$430,274/2.13 NDA
= \$202,007/NDA

Figure 2 Industrial Area – Mill Street, Ourimbah

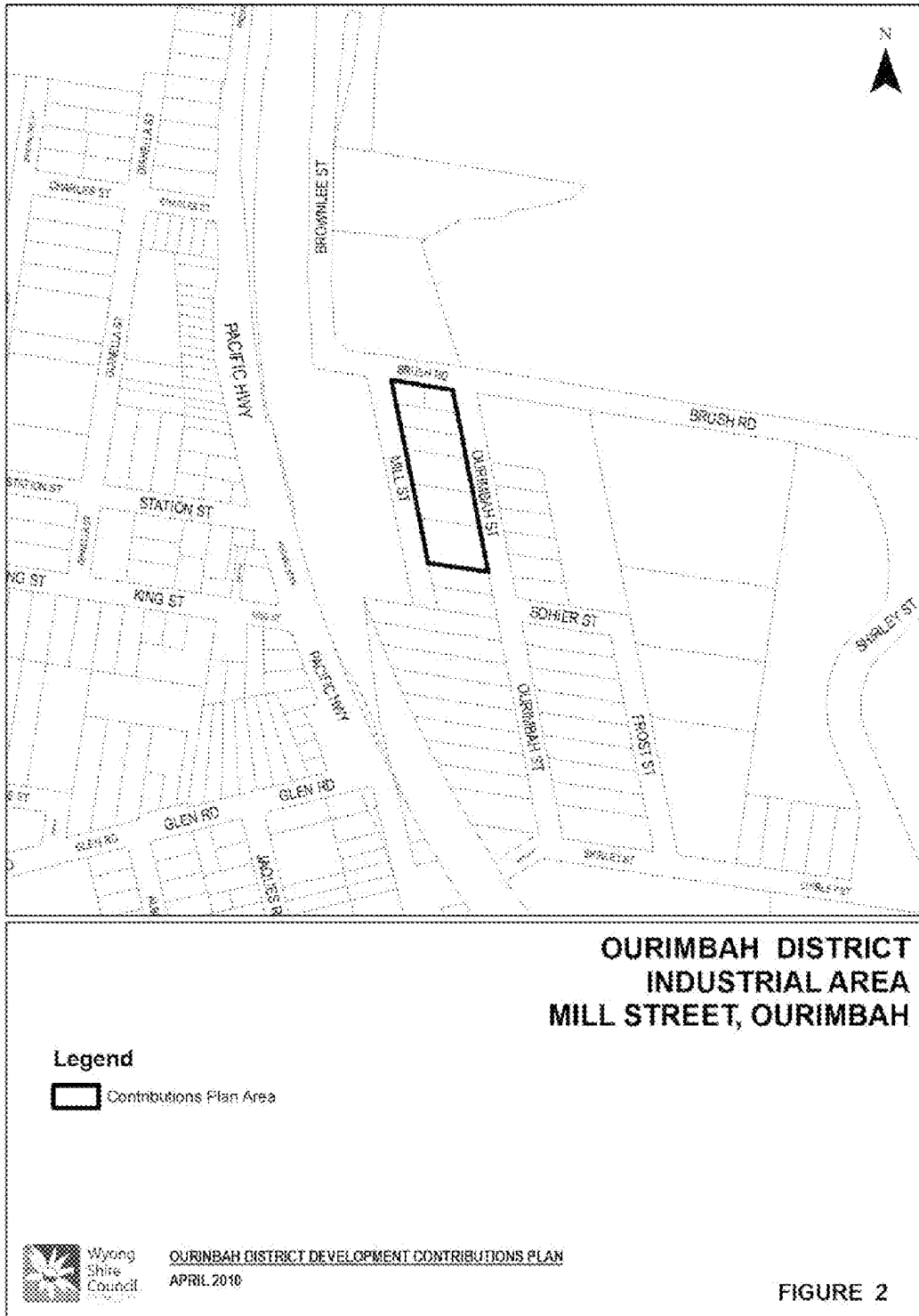


Figure 3 Roads and Intersections – Reservoir Road, Ourimbah

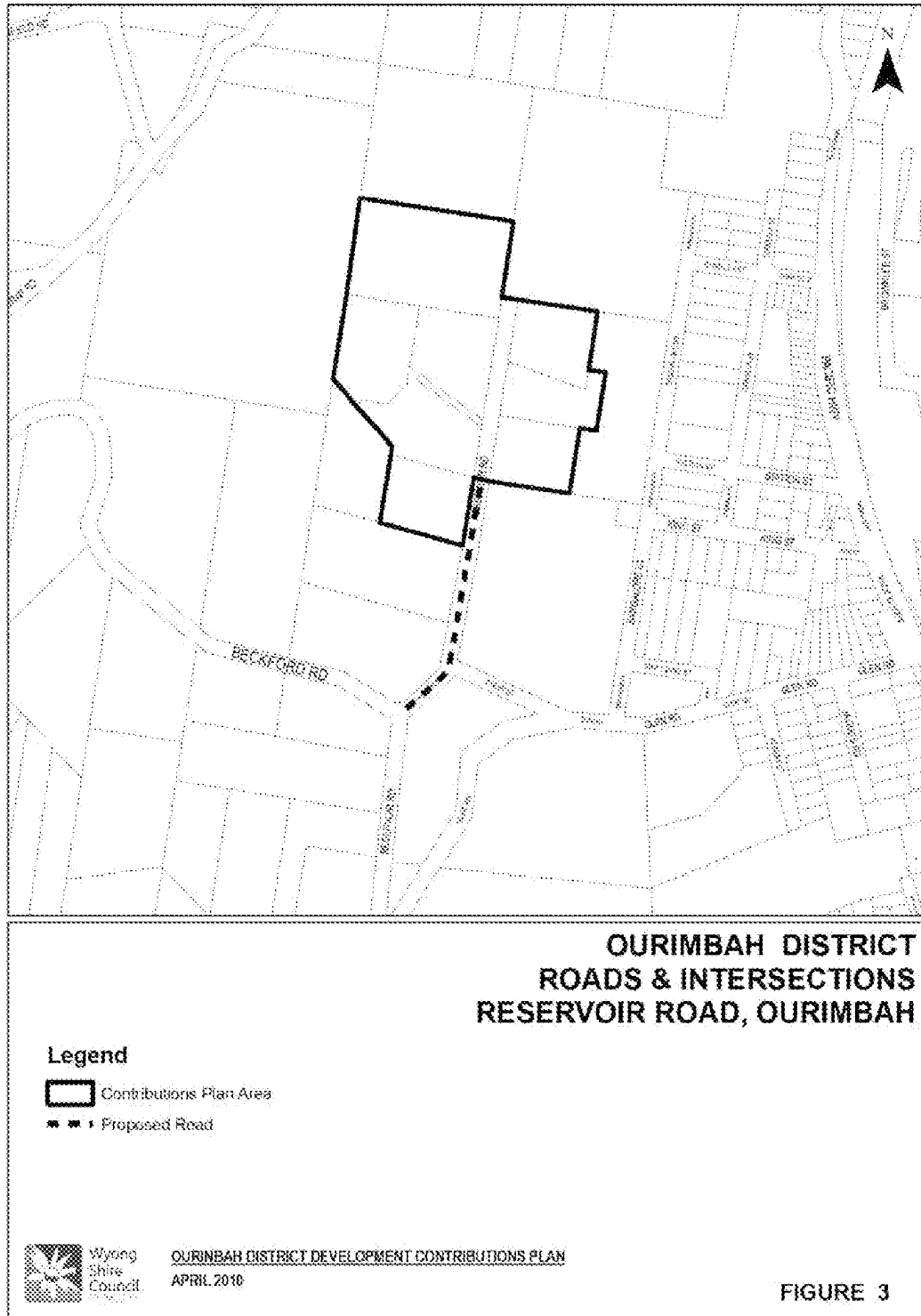


Figure 4 Roads and Intersections – Walmsley Road / Pacific Highway Intersection, Ourimbah

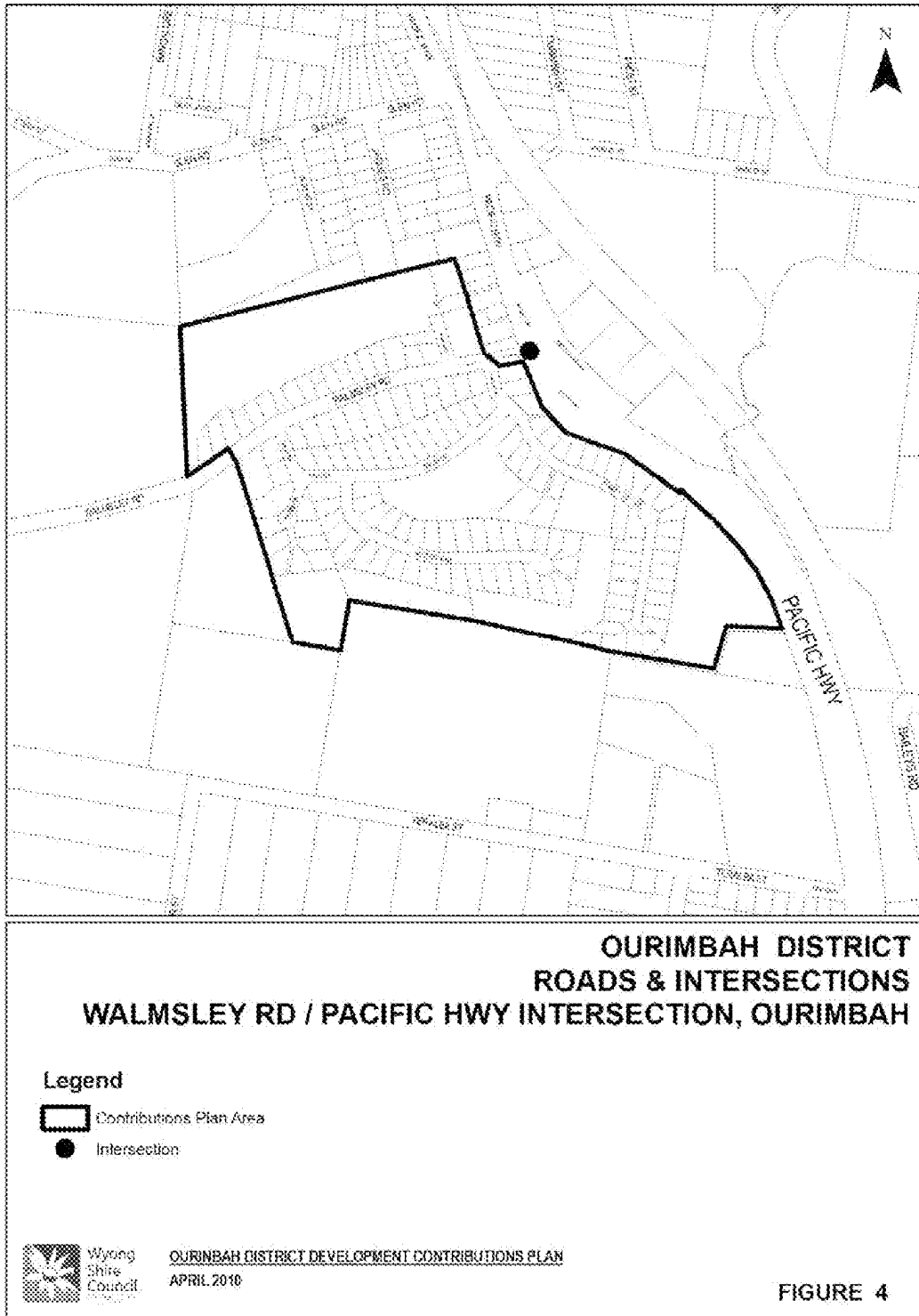


Figure 5 Roads and Intersections – Fern Road and Glen Road, Ourimbah

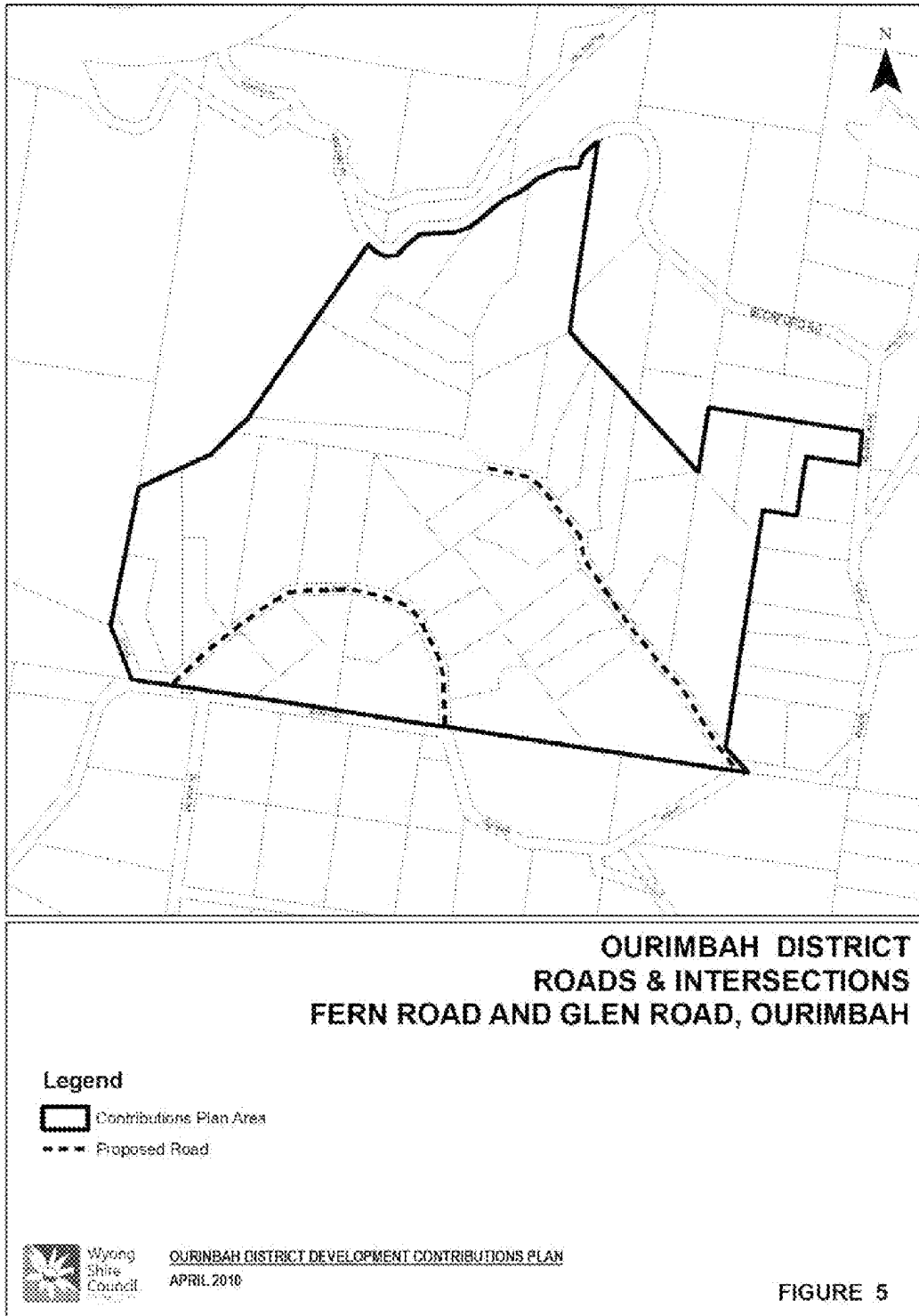
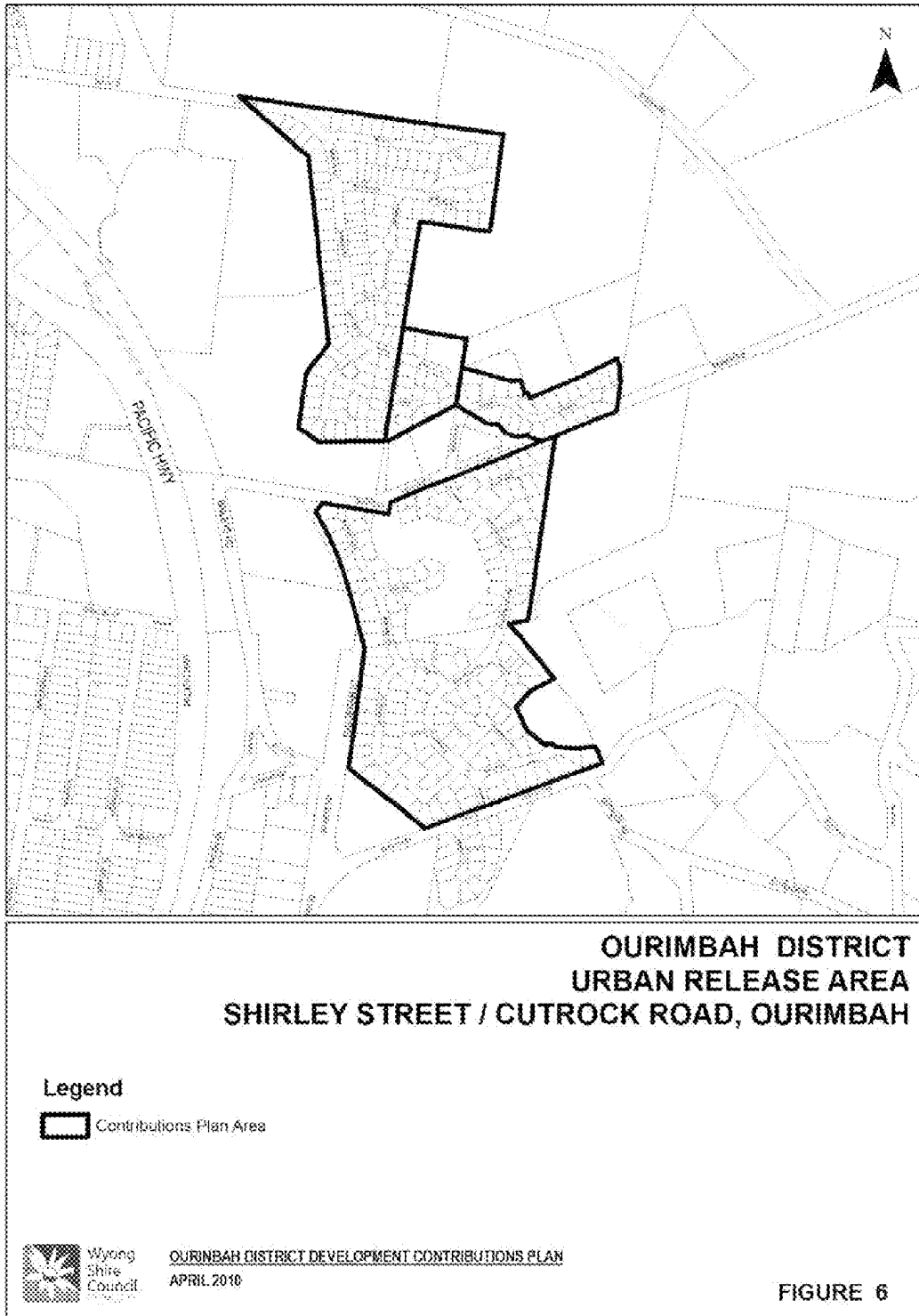


Figure 6 Ourimbah Urban Release Area – Shirley Street / Cutrock Road, Ourimbah



3.2 Open Space and Recreational Facilities

Wyong Shire Council's goal for open space is to implement an open space system which conserves a sustainable natural character for the Shire and provides a variety of settings for recreation to meet identified community needs.

Council requires that local open space for residential areas be provided at the standard of 3.0ha per 1,000 persons.

There are various categories of open space within Wyong Shire as follows:

- Regional Open Space which includes Semi Natural open space, Regional Parks and Field/Courts
- District Open Space which includes Large Parks, Fields and Courts
- Local Open Space which includes Local Parks
- Ancillary Open Space which is open space that has a dual use such as a drainage corridor and passive open space or a visual use

Wyong Shire Council's Open Space Principles Plan (2005a) provides minimum areas for the different types of open space, however there is flexibility where it can be proven that the open space purpose can be achieved. The minimum area for each of the types is as follows:

Table 5 Minimum Open Space Areas

Type of Open Space	Minimum Area (ha)
Field	4.0
Large Park	2.0
Semi Natural Open Space	2.0
Court	1.0
Small Park	0.5

3.2.1 Nexus between Development and Demand

Causal Nexus

It is proposed to levy contributions based on the standard provision of 3.0ha per 1,000 persons. Therefore, 1.584ha of open space are required to meet the demands of the new population growth of 528 persons. Embellishment will improve the quality of the open space and recreational facilities to allow additional use.

The Principles Plan also provides how open space should be proportioned against the different types of open space. Table 6 outlines this proportion and the amount of the different types of open space for the Plan area.

Table 6 Apportionment Open Space Areas

Open Space Type	Notional Proportion (%)	Notional Area Required (ha)
Local and Large Parks	35	0.55
Courts	5	0.08
Fields	30	0.48
Semi-Natural	25	0.40
Cycleways (not part of this plan; see Shire Wide Contribution Plan)	5	0.08
TOTAL	100	1.59

Spatial Nexus:

The Open space Principles Plan sets out the requirements for location of open space and recreational facilities such as locating fields and courts adjacent to each other, locating small parks within 500m of all consolidated residential areas and co-location of facilities wherever possible.

Facilities have been located in areas to meet the needs of the new residential development and taking advantage of existing facilities. Contributions are levied on a per DU basis so that only the open space required to meet the demands of the new population is levied. Council will continue to identify facilities that will meet the needs of the future population. These projects will be identified through the revision of this plan and/or Council's annual Management Plan.

A detailed Schedule of Works is provided in Appendix B.

Temporal Nexus:

Wyong Council has undertaken various open space reports such as the Local Parks Resource Report for Action Plan 2005, Local Parks Strategy 2005, Recreation Facilities Strategy 2009 and the Local Parks Action Plan 2005 which outline the required actions and priorities for open space projects. These reports have been used to identify the priority of the proposed projects. Contribution funds for the open space projects will be pooled to allow the open space projects to be undertaken in accordance with prioritisation as outlined in the Schedule of Works (Appendix B).

3.2.2 Open Space Land Requirements

Assessment of existing open space land shows that there is an excess of land for the existing population and that there is no significant shortfall due to the requirements generated by the future development. Further, there is no concentrated location for this future development for which specific open space sites can be provided. Hence, there will be no requirement for land due to the future development.

3.2.3 Calculation of the Contribution Rate

Embellishment costs have been determined based on the average costs for previous works undertaken by Council as follows:

Local Parks - \$51/m² (average of the following examples)

Owl Park by AVJ developments indexed to March 2010 - \$208,759 for 5,000m² park = \$42/m²

Mataram Road small park by Council indexed to March 2010 - \$238,199 for 3,992m² park = \$60/m²

Courts - \$144/m²

Value of courts in Warnervale contributions plan indexed to March 2010 - \$4,492,217 for 31,200m² = \$144/m²

Fields - \$67/m² (average of the following examples)

Pat Morley Oval indexed to March 2010 - \$2,154,619 for 92,000m² = \$23/m²

Jubilee Oval indexed to March 2010 - \$3,699,664 for 34,644m² = \$107/m²

Wadalba Sporting Fields indexed to October 2009 - \$6,627,347 for 95,525m² = \$69/m²

Semi Natural Areas - \$9/m²

Wadalba Corridor embellishment quotes 2007 indexed to March 2010.

Table 7 provides a summary of the current rates for embellishment of open space based on the above.

Table 7 Embellishment Rates per Square Metre

Open Space Facility	Embellishment Costs
Local Parks	\$51/m ²
Courts	\$144/m ²
Fields	\$67/m ²
Semi-Natural	\$9/m ²

The above cost estimates are applied to the area requirements to determine the overall embellishment costs for open space within the Ourimbah District.

Table 8 Open Space Embellishment Costs

Open Space Facility	Area Required (m ²)	Embellishment Rate (\$ per m ²)	Embellishment Cost
Local Parks	5,544	51	\$282,123
Courts	792	144	\$114,050
Fields	4,752	67	\$318,996
Semi Natural	3,960	9	\$34,301
TOTAL			\$749,470

Contributions for Open Space and Recreational Facilities will be fully apportioned to future development. The contribution rate is determined as follows (all rates are determined to the nearest dollar):

$$C = \frac{\text{\$Facility Cost}}{\text{Demand}}$$

Where:

C is the contribution rate per DU

\\$Facility Costs is the total Open Space and Recreational Facilities costs

Demand is the total DU predicted in the District

Local Parks

$$C = \frac{\$282,123}{194 \text{ DU}}$$

$$= \$1,453 \text{ per DU}$$

Courts

$$C = \frac{\$114,050}{194 \text{ DU}}$$

$$= \$588 \text{ per DU}$$

Sporting Fields

$$C = \frac{\$318,996}{194 \text{ DU}}$$

$$= \$1,643 \text{ per DU}$$

Semi Natural

$$C = \frac{\$34,301}{194 \text{ DU}}$$

$$= \$177 \text{ per DU}$$

Combined = \$3,861 per DU

3.2.4 Apportionment of Costs

Future development predicted within the District will be spread throughout the area and so all future development will be required to share the costs for open space embellishment on a proportional basis.

3.3 Community Facilities

Wyong Council has prepared Guidelines for the Planning and Provision of Community Facilities in Wyong Shire (2000, updated in July 2002) which determines the requirements to specify the scope and level of community need for facilities and in identifying location, siting, design and other criteria.

Wyong Council provides a network of community facilities as a focus for community activities and as venues for the delivery of community support services and programs. These facilities function as both specific purpose and multi-function community facilities including libraries, public halls, youth, child care and senior citizens centres and general purpose neighbourhood/community centres. They incorporate spaces and rooms for large public meetings/private functions, group activities, workshops, interviews/counselling services, office accommodation and the provision of a diverse range of health, education, welfare and leisure services and programs.

The Guidelines adopt a flexible approach through the construction of multi-purpose facilities and the co-location of services. This also includes the embellishment of existing facilities where feasible to increase the functionality of halls and centres and develop more multi-purpose facilities. The development of multi-purpose facilities presents the opportunity to establish a major focus for community services delivery through the co-location of a number of services in the one facility. This flexible approach also encourages joint venture projects with community based and voluntary sector organisations as well as schools.

3.3.1 Nexus between Development and Demand

Causal Nexus

It is not proposed to construct any new facilities within the District at this time. Rather, an assessment of the usage patterns and catchments of existing facilities has resulted in a recommendation to embellish existing facilities to ensure that they can cater for the demand created by the future population.

Council's Guidelines recommend that an additional 0.314m² per person of community floor space is provided. This amount of floor space has been determined based on average sizes for community facilities and the standard provision for each type of facility. An additional 166m² of community floor space is required to meet the needs of the additional 528 persons within the Plan area.

The required area of 166m² is then calculated by the cost per square metre to provide additional community facilities. The cost of \$3,776 per m² has been used. This cost has been derived by Council based on the detailed design and development of a number of community facilities within the Shire as outlined below:

- Blue Haven Community Centre Construction Cost \$4,627,898 for 1,092m² = \$4,238 per m²
- Southern Lakes Community Centre Construction Cost \$1,932,174 for 583m² = \$3,314 per m²
- **Average \$3,776 per m²**

An amount of \$626,839 will be apportioned to future development to embellish existing community centres and halls to meet the additional demand.

Spatial Nexus

The District provides a number of existing community halls and centres. It is proposed that these existing facilities will be embellished to increase the capacity to meet the demand from the new population growth. Council will continue to identify projects that will meet the needs of the future population. These projects will be identified through the revision of this development contributions plan and/or Council's annual Management Plan.

Table 9 Community Facilities

Item	Proposed Community Facility to be Embellished	Timeframe
1	Ourimbah Community Centre	Expenditure to match rate of development

Temporal Nexus

Contribution funds for the Community Facilities will be pooled to allow projects to be undertaken in accordance with the prioritisation as outlined in the Schedule of Works (Appendix B).

3.3.2 Community Facilities Land Requirements

Assessment of existing community facilities that there is an excess of land for the existing population and that there is no significant shortfall due to the requirements generated by the future development. Further, there is no concentrated location for this future development for which specific community facilities sites can be provided. Hence, there will be no requirement for land due to the future development.

3.3.3 Calculation of the Contribution Rate

The contribution rate is determined as follows (all rates are determined to the nearest dollar):

$$C = \frac{\text{\$Facility Cost}}{\text{Demand}}$$

Where:

C is the contribution rate per DU

\\$Facility Cost is the total Community Facilities costs

Demand is the total DU predicted in the District

$$C = \frac{\$626,839}{194 \text{ DU}}$$

$$= \text{\$3,231 per DU}$$

3.4 Administration

The costs to be recovered under this plan include:

- the salary and operating costs over a 5 year period for the coordination of the development 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 development contribution functions
- on-costs, vehicles and award increases over a 5-year period

Table 10 provides details of the administration costs to be recovered under this plan based on the apportioned number of DUs identified in Table 11.

3.4.1 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, and time taken to administer, this contributions plan, 2.5% of the total administration costs are included (as shown in Table 10).

3.4.2 Apportionment

The apportioned estimated cost of administering development contributions is assessed as follows:

Table 10 Costs to be Recovered by this Plan

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 2.5% of Total Costs
Development Contributions Staff	\$1,423,661	100%	\$1,423,661	\$35,592
Accounting Staff	\$429,605	20%	\$85,921	\$2,148
Development Design Staff	\$2,456,104	35%	\$859,636	\$21,491
Subdivision Supervision Staff	\$1,397,045	20%	\$279,409	\$6,985
TOTAL			\$2,648,627	\$66,216

Divide the amount to be recovered by this plan by percentage of DUs apportioned to this Plan area, as shown in Table 11.

Table 11 Percentage of DUs Apportioned to this Plan Area

Total No of Predicted DUs Across the Shire in 5 year Period	Percentage of DUs Apportioned to this Plan	2.5% of DUs Apportioned to this Plan
5,789	2.5%	145

3.4.3 Calculation of the Contribution Rate

Contributions will be collected from residential and non residential development in Ourimbah toward the cost of administering and managing development contributions.

The monetary contribution per DU is calculated as follows:

$$\text{Contribution per DU (\$)} = \frac{\text{AC(CPA)}}{\text{DU}}$$

Where:

AC(CPA) is 2.5% of the estimated cost of administering development contributions in the Shire of Wyong over the life of this plan (i.e. \$66,216 rounded).

DU is 2.5% of the total DUs predicted across the Shire over an example 5 year period, as shown in Table 11. (i.e. 145 DU).

$$\begin{aligned} \text{Contribution per DU (rounded)} &= \frac{\$66,216}{145} \\ &= \mathbf{\$458} \end{aligned}$$

Appendix A – References

The following references have been used to formulate this Plan. A supporting document of this background information is available. This document includes all documents prepared by or on behalf of Council to support this plan. Other documentation such as the Practice Notes and CPI are available on the relevant website.

Australian Bureau of Statistics	6401.0 Consumer Price Index, Australia All Groups, Percentage Change (from previous financial year) for Sydney (www.abs.gov.au).
ID Consulting (2010)	2001-2031 Population and Household Forecasts for Ourimbah Social Planning District. Prepared for Wyong Shire Council.
NSW Department of Planning	Development Contributions Practice Notes. www.planning.nsw.gov.au .
Wyong Shire Council 2002	Guidelines for the Planning and Provision of Community Facilities in Wyong Shire. Section 94 Background Report. Final Report prepared by Strategic Planning Department June 2000.
Wyong Shire Council 2005b	Local Parks Strategy Prepared by Strategic Planning Department August 2005.
Wyong Shire Council 2005c	Local Parks Resource Report for Action Plan Strategic Planning Department November 2005.
Wyong Shire Council 2005d	Local Parks Action Plan Strategic Planning December 2005.
Wyong Shire Council 2005a	Draft Wyong Open Space Principles Plan. Prepared by the Strategic Planning Department. Amendment No 4 June 2005.
Wyong Shire Council 2008	Draft Community Facilities Strategy
Wyong Shire Council 2009	Recreational Facilities Strategy October 2009.

Appendix B – Schedule of Works

Schedule of Works	Cost Summary	Existing Funds @ 30/6/2009	Total Funds	Predicted Timing
Roadworks and Traffic Management				
Construction of Reservoir Road	\$212,409	\$39,936	\$252,345	Completed
Walmsley Road/Pacific Highway intersection	\$137,836	\$40,850	\$178,686	Completed
Construction Glen Road and Fern Road	\$417,561	\$17,354	\$434,915	Completed
Shirley Street/Cutrock Road area	\$858,094	\$62,865	\$920,959	Completed
Industrial and commercial developments on Pacific Highway Ourimbah	\$430,274	\$0	\$430,274	Completed
Drainage				
Mill Street Drainage	\$49,111	\$192	\$49,303	Completed
Open Space and Recreation Facilities				
Local Parks	\$282,123	-\$180,676	\$101,447	Funds to be expended in accordance with the rolling works program within Council's Management Plan and the Local Parks Strategy and Recreation Facilities Strategy
Courts	\$114,050	\$14,618	\$128,668	
Sporting Fields	\$318,996	\$87,706	\$406,702	
Semi Natural	\$34,301	\$73,088	\$107,389	
Community Facilities				
Embellishment of Ourimbah Community Facility	\$626,839	\$284,097	\$910,936	Funds to be expended in accordance with the rolling works program within Council's Management Plan and the Community Facilities Strategy
TOTAL COSTS OF WORKS	\$3,481,594		\$3,921,624	



Southern Lakes District Development Contributions Plan 2010

EXHIBITION DRAFT

April 2010

Contents

<u>Summary Schedules</u>	1
<u>1 Administration and Operation of this Plan</u>	2
<u>1.1 Name of this Plan</u>	2
<u>1.2 Land to which this Plan Applies</u>	2
<u>1.3 Purpose of this Plan</u>	2
<u>1.4 Commencement of this Plan</u>	2
<u>1.5 Relationship with other Plans and Policies</u>	2
<u>1.6 Definitions</u>	4
<u>1.20 What Types of Development will be Levied?</u>	4
<u>1.7 When is the Contribution Payable?</u>	4
<u>1.8 Construction Certificates and the Obligation of Accredited Certifiers</u>	4
<u>1.9 Complying Development and the Obligation of Accredited Certifiers</u>	6
<u>1.10 Deferred and Periodic Payments</u>	6
<u>1.11 Can the Contribution be Settled "In-Kind"?</u>	6
<u>1.12 Exemptions</u>	7
<u>1.13 Review of Contribution Rates</u>	8
<u>1.14 How are Contributions Adjusted at the Time of Payment?</u>	8
<u>1.15 Are there Allowances for Existing Development?</u>	9
<u>1.16 Pooling of Contributions</u>	9
<u>1.17 Savings and Transitional Arrangements</u>	9
<u>1.18 Timing of Works</u>	9
<u>1.19 Dedication / Transfer of Land</u>	10
<u>1.21 Revision of Plan</u>	10
<u>2 Urban Characteristics and Population</u>	11
<u>2.1 Expected Future Development</u>	11
<u>2.2 Population Increase</u>	11
<u>2.3 Occupancy Rates</u>	11
<u>2.4 Meeting Population Needs</u>	11
<u>3 Community Infrastructure and Contributions</u>	12
<u>3.1 Roads and Traffic Management</u>	12
<u>3.1.1 Tumby Valley Stage 3: Access Road and Intersection</u>	12
<u>3.1.2 Wyong Road / Mingara Drive / Tumby Creek Road Roundabout Improvements</u>	15
<u>3.2.5 Service Access - Watson Avenue and Sherlock Lane, Tumby Umbi</u>	17

3.2	Drainage Facilities	19
3.2.1	Tumbi Creek Area	19
3.2.2	Berkeley Vale Urban Area	20
3.2.3	Berkeley Vale Industrial Area	23
3.2.4	Lower Tumbi Valley Urban Release Area	24
3.3	Open Space and Recreational Facilities	28
3.3.1	Nexus between Development and Demand	29
3.3.2	Open Space Land Requirements	30
3.3.3	Calculation of the Contribution Rate	30
3.3.4	Apportionment of Costs	32
3.4	Community Facilities	33
3.4.1	Nexus between Development and Demand	33
3.4.2	Community Facilities Land Requirements	34
3.4.3	Calculation of the Contribution Rate	34
3.5	Administration	35
3.5.1	Nexus	35
3.5.2	Apportionment	35
3.5.3	Calculation of the Contribution Rate	36
	Appendix A – References	37
	Appendix B – Schedule of Works	38

Tables

Table 1	Summary Schedule – Contributions Rates Per DU by Category	1
Table 2	Types of Development Required to Contribute towards the Various Contribution Categories	5
Table 3	Plan Amendments	10
Table 4	Development and Population Potential	11
Table 5	Schedule of Works, Estimates and Program	17
Table 6	Contribution Rates for Sub-Areas	26
Table 7	Minimum Open Space Areas	28
Table 8	Apportionment Open Space Areas	29
Table 9	Embellishment Rates per Square Metre	30
Table 10	Open Space Embellishment Costs	31
Table 11	Costs to be Recovered by this Plan	35
Table 12	Percentage of DUs Apportioned to this Plan Area	36

Figures

Figure 1	Contributions Plan Area	3
Figure 2	Urban Release Zone 3 Tumbi Valley	14
Figure 3	Lower Tumbi Valley Urban Release Area	16
Figure 4	Watson Avenue and Sherlock Lane, Tumbi Umbi	18
Figure 5	Tumbi Creek Drainage	21
Figure 6	Berkeley Vale Urban Area Drainage	22
Figure 7	Berkeley Vale Industrial Area	25
Figure 8	Lower Tumbi Valley Urban Release Area – Drainage Works Locations	27

Summary Schedules

The following summary schedules are included in this plan:

- Schedule of Works (contained in Appendix B) and
- Contributions rates per DU by category (Table 1)

Table 1 Summary Schedule – Contributions Rates Per DU by Category

Category	Rate
Roads and Traffic Management	
Tumbi Valley Stage 3: Access Road & Intersection with The Entrance Road	\$1,620
Wyong Road / Mingara Drive / Tumbi Creek Road Roundabout Improvements	
- Hansens Road per DU	\$443
- Self-care or Flexi-care Unit	\$113/unit
Service Access – Watson Avenue & Sherlock Lane, Tumbi Umbi	
Laneway (per metre of development frontage)	\$1,206/m
Carpark	\$6,280/space
Drainage Improvements	
Tumbi Creek Area per DU	\$956
Berkeley Vale Urban Area per DU	\$2,527
Berkeley Vale Industrial Area per ha	\$21,369
Lower Tumbi Valley Urban Release Area	see table 5
Open Space and Recreational Facilities Works	
	\$3,705
Community Facilities Works	
	\$3,095
Administration	
	\$458

Refer to Section 3 for details of how these rates are calculated.

1 Administration and Operation of this Plan

1.1 Name of this Plan

This plan is called the Southern Lakes District Development Contributions Plan dated

1.2 Land to which this Plan Applies

This plan applies to land within the Southern Lakes Social Planning District, as shown in Figure 1.

1.3 Purpose of this Plan

The purpose of this plan is to:

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

1.4 Commencement of this Plan

This 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.

1.5 Relationship with other Plans and Policies

This plan repeals the following development contributions plans:

- Contributions Plan No 2 – Southern Lakes District - November 2006

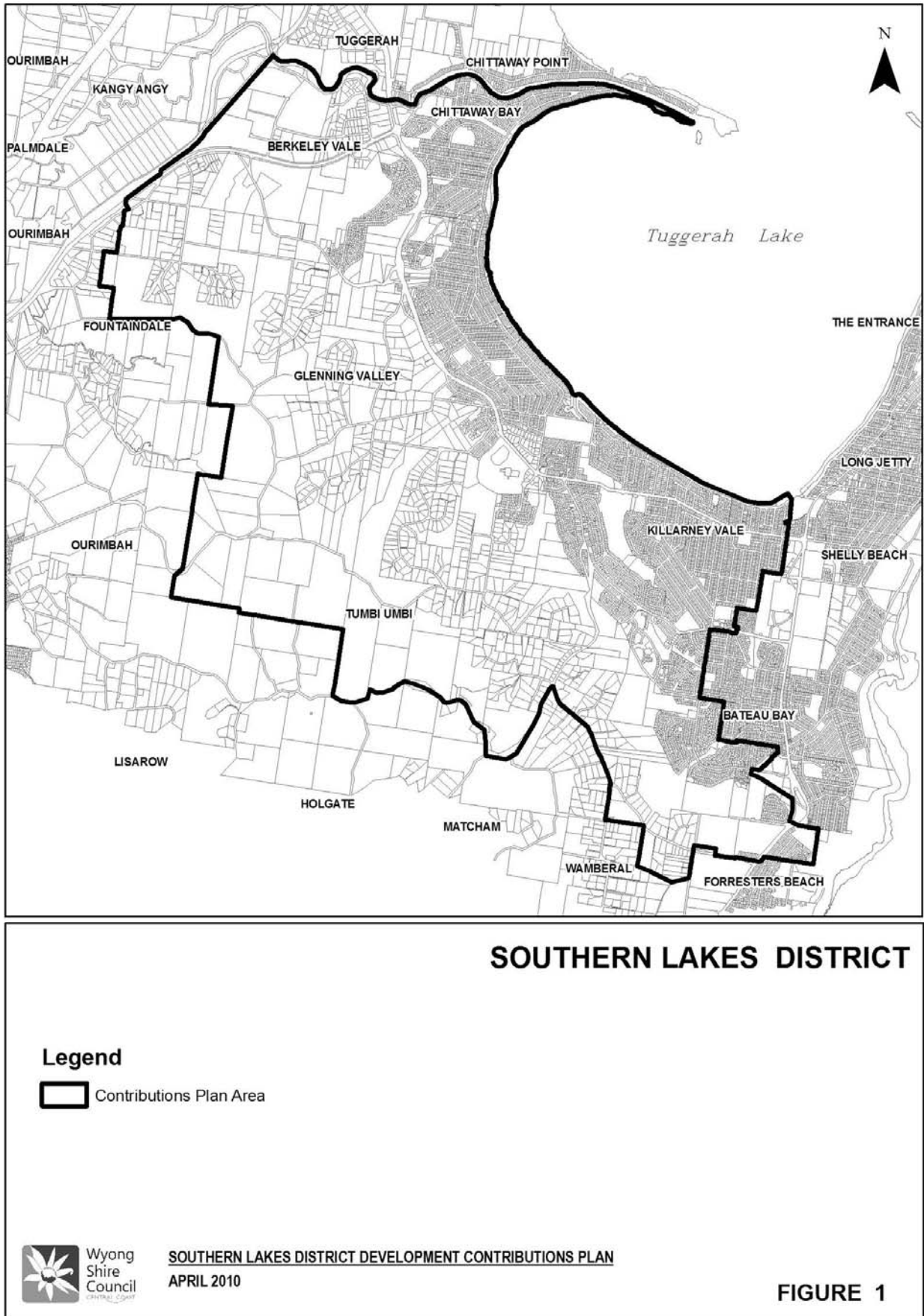
This plan should be read in conjunction with Wyong Local Environmental Plan 1991, relevant Development Control Plans, Contributions Plans, Council's Management Plan and Council's Codes and Policies.

This plan replaces any requirements and details related to Section 94 Contributions that exist within any Development Control Plan prepared by Council for this area.

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 (for example, the Shire Wide Contributions Plan).

Figure 1 Contributions Plan Area



1.6 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 in accordance with Table 2.

For the purposes of this plan, “Net Developable Area (NDA)” is expressed in hectares and is the actual area on which a development could be sited. NDA excludes land for trunk drainage, roads, open space, community facilities, noise buffers, undevelopable lands and certain major non-residential land uses.

1.7 What Types of Development will be Levied?

Unless otherwise stated within the various schemes, the contribution rates contained within this plan will be levied upon any type of development or subdivision of land within the relevant catchment.

Table 2 summarises the types of development which will be required to contribute towards the various contribution categories.

1.8 When is the Contribution Payable?

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 the construction certificate;
- 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.

1.9 Construction 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 certificate for building work 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 or dedication of land has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the developer.

Table 2 Types of Development Required to Contribute towards the Various Contribution Categories

Development Types	Factor	Open Space	Community Facilities	Roads	Drainage	Admin-istration
Residential Flats & Dual Occupancies (including private self contained dwelling and infill self care housing as defined under SEPP – Seniors Living)						
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/lot	√	√	√	√	√
Shops/Offices	0.005/m ²			√		√
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	NDA			√	√	√
Industrial Development	NDA			√		√
Shopping Centre	0.001/m ² GFA			√	√	√
Restaurants	0.008/m ² GFA			√	√	√
Tourist 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 – Holiday Site	0.52/site			√	√	√
Caravan Park – Long Term	0.73/site			√	√	√
Schools	0.04/pupil			√	√	√
Licensed Club	0.04/occpt			√	√	√
Hotel	0.01/m ² GFA			√	√	√
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

1.10

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 be 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.

1.11 Deferred and Periodic Payments

Council will generally not accept deferred or periodic payment of contributions required under this plan.

Council has, however formulated a policy in relation to the negotiation and preparation of planning agreements which provides for the consideration of deferred or periodic payments.

Consideration of requests for deferral of contributions will involve careful consideration of community/public infrastructure delivery and financial implications for Council.

1.12 Can the Contribution be Settled "In-Kind"?

Council may accept an offer by the developer to provide an "in-kind" contribution (i.e. the developer completes part or all of work/s identified in this plan) in lieu of the developer satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- the developer making a formal application to carry out the works, and
- the standard of the works is to Council's full satisfaction

The value of the works to be substituted will be the value assigned to it under this plan. If there is a dispute between Council and the developer over the value of the works, the developer must provide to Council for consideration 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 developer to enter into a written Works In Kind Agreement for the provision of the works prior to the commencement of the works.

Acceptance of any such alternative is at the sole discretion of 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 Council in determining the value of the works or land will be paid by the developer.

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 relevant Development Servicing Plan. Offsetting of contributions, if considered appropriate, will also only be permitted to occur within the same contributions plan area and against the same category (e.g. dedication of open space land can only be used to offset contributions for open space land and/or works).

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 population.

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. The timing for the repayment of the credit is to be included in the Works In Kind Agreement. Unless otherwise agreed, the credit will be repaid once all of the following criteria have been met:

- all of the developer's land within the area serviced by a contributions plan covering that area has been developed and all relevant contributions have been offset against the credit value
- 75% of the areas benefiting from the credited land have contributed to the scheme
- sufficient funds exist in the fund ensuring the refund will not 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 developer, except where they form part of the final work identified in this 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.

1.13 Exemptions

Council does not have a policy that exempts any development from payment of monetary contributions levied under this plan, except in the following circumstances:

- the Crown as a private developer (e.g. Landcom subdivision of land) – contributions will apply in the same manner as they would for a private development
- developments provided by the Crown which provide a public service (e.g. school, court house, hospital) – contributions will be assessed based on the demand for community infrastructure
- in accordance with any direction issued by the Minister under Section 94(e) of the EP&A Act

1.14 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 changes, the capital costs of administration of this plan or through changes in the costs of studies used to support this plan, Council will review the contribution rates.

The contribution rates will be reviewed by reference to the following specific indices:

- Roadworks and traffic management facilities, drainage works, open space and recreational facilities, community facilities and administration by the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics (Source: ABS 6401.0 Table 1)

In accordance with clause 32(3)(b) of the EP&A Regulation, the following sets out the means that Council will make changes to the rates set out in this plan. For changes to the Consumer Price Index, the contribution rates within this 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 this plan expressed in dollars

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

Base Index is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics used in the preparation of this plan which is 169.1 (February 2010)

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.

1.15 How are Contributions Adjusted at the Time of Payment?

The contributions stated in development consents 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:

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

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

1.16 Are there Allowances 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 allowance to be given to existing development the factors contained in Table 2 will be used. For example:

- dwelling houses and single vacant allotments – 1.00 DU
- other dwellings:
 - 4 bedroom units – 1.28 DU
 - 3 bedroom units – 1.00 DU
 - 2 bedroom units – 0.73 DU
 - 1 bedroom units – 0.52 DU

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

1.17 Pooling of Contributions

To provide a strategy for the orderly delivery of the infrastructure, this plan authorises monetary community infrastructure contributions paid:

- for different purposes in accordance with the conditions of various development consents authorised by this plan, and
- for different purposes under any other contributions plan approved by the Council

to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary community infrastructure contributions under this plan are the priorities for works as set out in the relevant works schedules (Appendix B).

In deciding whether to pool and progressively apply contributions funds, Council is satisfied that this action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

1.18 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 this plan which applied at the date of determination of the application.

1.19 Timing of Works

Council is generally not able to bankroll proposed 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.

1.20 Dedication / Transfer of Land

Subject to prior agreement with Council, land may be dedicated/transferred in lieu of making a contribution towards the acquisition of land and in some cases, Council may require dedication/transfer of particular land as a condition of consent. Council will only accept land dedication/transfer where that land is of a suitable nature for the purpose for which it is being dedicated/transferred. All land to be dedicated/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 dedicated/transferred in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

1.21 Revision of Plan

This Plan may be 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 and detailed designs and changes to cost estimates as a result of detailed design may also necessitate a revision to this Plan. Table 3 outlines the amendments to this Plan.

Table 3 Plan Amendments

Date	Nature of Revision
October 1992	No previous versions
September 1995	Amended
November 1998	Amended
November 1999	Amended
January 2007	Amended
April 2010	Amended

2 Urban Characteristics and Population

2.1 Expected Future Development

This plan relates to demand for public facilities and services created by residential development within the Southern Lakes District of the Wyong Local Government Area.

It is forecast that a further 154 lots will be developed within the plan area. These development assumptions are based on an assessment of the areas, known rezoning proposals and historic rates of development.

In addition, an allowance has been given to further subdivision of existing zoned properties within each area based on the size of the property and the characteristics of surrounding development. Details of the proposed development potential within the area are shown in Table 4.

Table 4 Development and Population Potential

Location	Future Lots (a)	Medium Density DUs (c)	Total DUs (a + c)	Estimated Population (@ 2.61 people per DU)
Berkeley Vale	54	501	555	1449
Glenning Valley	4	0	4	10
Chittaway Bay	2	0	2	5
Killarney Vale	40	886	926	2417
Tumbi Umbi	54	14	68	177
TOTAL	154	1401	1555	4058

2.2 Population Increase

The population increase for the plan area is anticipated to be 4058. This is based on an occupancy rate of 2.61 persons per dwelling unit (DU).

2.3 Occupancy Rates

Occupancy rates for this Contributions Plan are based on the average occupancy rates for the urban release areas of Berkeley Vale, Chittaway Bay, Fountaindale, Glenning Valley, Killarney Vale and Tumbi Umbi areas. This data is from the Census conducted in 2006.

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 2.61 persons per dwelling unit (DU) will be applied to determine the contribution rate for a residential development. The applicable DU factor will then be applied to determine the contribution rate for other types of development.

2.4 Meeting Population Needs

The incoming population will be distributed across the district. This additional population will create increased demand for a range of services including roadworks and traffic management, open space facilities and community facilities.

3 Community Infrastructure and Contributions

3.1 Roads and Traffic Management

All roadworks and traffic management facilities required under this plan have been delivered. Funds for these roadworks and traffic management facilities have been recouped except for:

- Tumbi Valley Stage 3: Access road and intersection with The Entrance Road, and
- Wyong Road/Mingara Drive/Tumbi Creek Road roundabout improvement

The approach to establishing road and intersection requirements for this area has been:

- identify existing road hierarchy and traffic flows
- predict future road hierarchy and traffic flows generated by existing development or existing zoned areas for which no contributions may be sought when development does proceed, but excluding the proposed development
- identify road and intersection improvements necessary to cater for these predicted flows
- predict future road hierarchy and traffic flows generated by all future development including the proposed development
- identify additional road and intersection improvements necessary to cater for these predicted flows, and
- where necessary, apportion costs of improvements based on traffic flows

Details of each of the schemes are as follows.

3.1.1 Tumbi Valley Stage 3: Access Road and Intersection

The scheme details are shown on the attached Figure 2.

- A four-way, single lane roundabout has been constructed at the intersection of The Entrance Road, new distributor road and Coleridge Road south. The cost sharing of this roundabout is included in this plan. The intersection is to be upgraded to the RTA's requirements at a cost sharing arrangement between the RTA and the developer.
- the construction of a 12 metre wide distributor road from The Entrance Road to Bellevue Road. The developer is responsible for half the road width which adjoins his property. This includes dedication of the required land.
- half road contributions are required where the distributor road abuts public reserve and open space buffer
- the construction of an off-road cycleway along the northern side of the distributor road from Bellevue Road to The Entrance Road. The cycleway is to be located within the road reserve and of a 2.4 metre wide concrete construction. The adjoining owner is responsible for the cost. Contributions are required for the section of cycleway which abuts public reserve and open space buffer.
- bus stops, bus shelters and pedestrian refuges are to be provided along the distributor road and The Entrance Road as identified by Council and the bus operator solely. These are to be paid for the adjoining owner.

A summary of the estimates of cost are described below with further details in Technical Report No 433, amended March 31 1999:

Single lane roundabout at The Entrance Road	\$ 561,469
Off road cycleway along northern side of Distributor Road (180 metres @ \$ 188 per metre)	\$ 40,242
TOTAL	\$601,711

Apportionment of Costs

The full cost of the works are to be apportioned between the two proposed residential areas located on the western side of The Entrance Road. No contribution is to be made for the existing Coleridge Road south traffic as its traffic is serviced by the existing intersection.

The only exception is an allowance for a share of the roundabout cost for the traffic generated by the sports fields to the west of The Entrance Road. This cost will be met by Council.

Calculation of the Contribution Rate

The contribution rate is as follows:

Total cost of works	\$601,711
Amount apportioned to Council for intersection	\$ 57,984
Amount apportioned to new development	\$543,727
Total NDA (hectares)	21.8

Contribution rate = \$ 543,727 ÷ 21.8
 = \$24,942 per NDA
 = \$1,620 per DU (NDA/15.4 lots per hectare)

3.1.2 Wyong Road / Mingara Drive / Tumbi Creek Road Roundabout Improvements

Details of road requirements are contained within the technical report completed by Project Planning and Associates Pty Ltd (July 31 1996) and a technical report completed by Council's Strategic Planning Department 1997.

The proposed works are described below.

- construction of a left turn slip lane, together with associated works at the north-eastern corner of the roundabout
- relocation of the existing watermain to allow for construction of the slip lane
- construction of a third eastbound approach lane at the roundabout. – to be funded separately by the RTA

Figure 3 shows the general location of the works and the area in which contributions will be sought.

Apportionment of Costs

Apportionment of costs will be on the basis of traffic generated. The technical report identifies this apportionment as follows:

Mingara Club Development	49.0% (fully developed)
Commercial Development adjacent to Mingara Drive	34.3% (fully developed)
Residential - Beckingham Road	3.92% (fully developed)
- Hansens Road	6.86% (partially developed)
- Retirement Village	3.92% (partially developed)
- Hillside Drive Development (West of Beckingham Rd)	2.00% (fully developed)

Wyong Road Slip Lane (including the relocation of the watermain) has been estimated at \$606,300. This is a total cost of \$844,525 (indexed to April 2010).

Calculation of the Contribution Rate (for partially developed precincts)

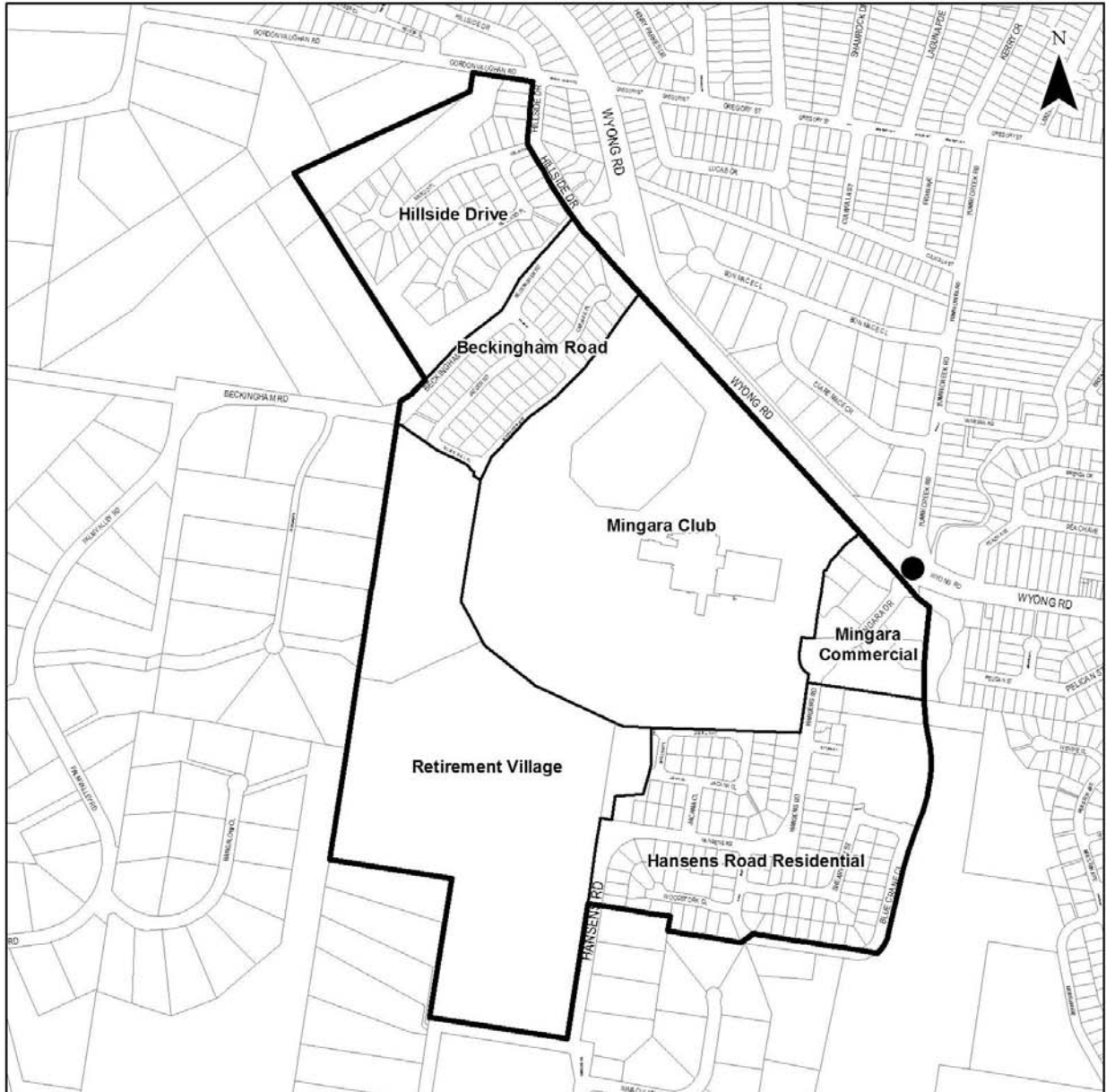
Residential Area - Hansens Road

Contribution	=	6.86% x \$606,300
	=	\$57,934 per NDA (indexed to April 2010)
Contribution Rate	=	\$57,934/8.49 NDA
	=	\$6,824 per NDA
	=	\$443 per DU (NDA/15.4 lots per hectare) (indexed to April 2010)

Retirement Village

Contribution	=	3.92% x \$844,525
	=	\$33,105 per NDA
Contribution Rate	=	\$33,105/294 units
(per self-care or flexi-care unit)	=	\$113 per unit (indexed to April 2010)

Figure 3 Lower Tumby Valley Urban Release Area



**SOUTHERN LAKES DISTRICT
URBAN RELEASE AREA
LOWER TUMBI VALLEY**

Legend

- Wyong Rd, Mingara Dr & Tumbi Creek Rd Roundabout
- ▭ Contributions Plan Area



SOUTHERN LAKES DISTRICT DEVELOPMENT CONTRIBUTIONS PLAN
APRIL 2010

FIGURE 3

3.2.5 Service Access - Watson Avenue and Sherlock Lane, Tumbi Umbi

All drainage facilities required under this plan have been delivered. Funds for these facilities have not been recouped.

Commercial development on land zoned 3(c) Neighbourhood Business at Wyong Road and Watson Avenue, Tumbi Umbi is serviced by a rear laneway and parking area. This scheme provides for contributions from Lot 1 DP 26959 and any future redevelopment of other lots (refer to Figure 4).

The works are described below with further details shown in Table 5:

- a 7.0 metre wide sealed rear service lane and turning circle with kerb and gutter from Watson Avenue to rear of Lot 71 DP 610212
- carparking area for 28 cars

Table 5 Schedule of Works, Estimates and Program

Description	Length (m)	Cost	Year
20% of a 70 metre laneway	15.8	\$19,049	Indexed to April 2010
28 space carpark	-	\$175,841	Indexed to April 2010

Nexus and Apportionment of Costs

Development serviced by the laneway is existing or committed other than for Lot 1 DP 26959 which has access to 20% of the laneway constructed by Council at a total cost of \$65,000. For development or redevelopment of any lot, where all required parking cannot be provided on site, parking can be provided within the 28 space parking area. Costs will be apportioned per space up to the maximum of 28 spaces.

Report Detail

The investigation was completed by Council's Design Section with a Technical Report No 440, dated August 1992. See Plan No 9209 for detail design information.

Program for Works and Funding

Council has constructed the laneway (1992) in anticipation of future development and to service existing development. Similarly, land to provide carparking has been acquired (1991) in anticipation of development. Construction of the parking area occurred in 1995 unless development of Lot 1 makes this possible sooner.

Calculation of the Contribution Rate

The contribution rate for laneway construction for Lot 1 DP 26959 will be calculated by dividing the total laneway construction cost by pro-rata frontage:

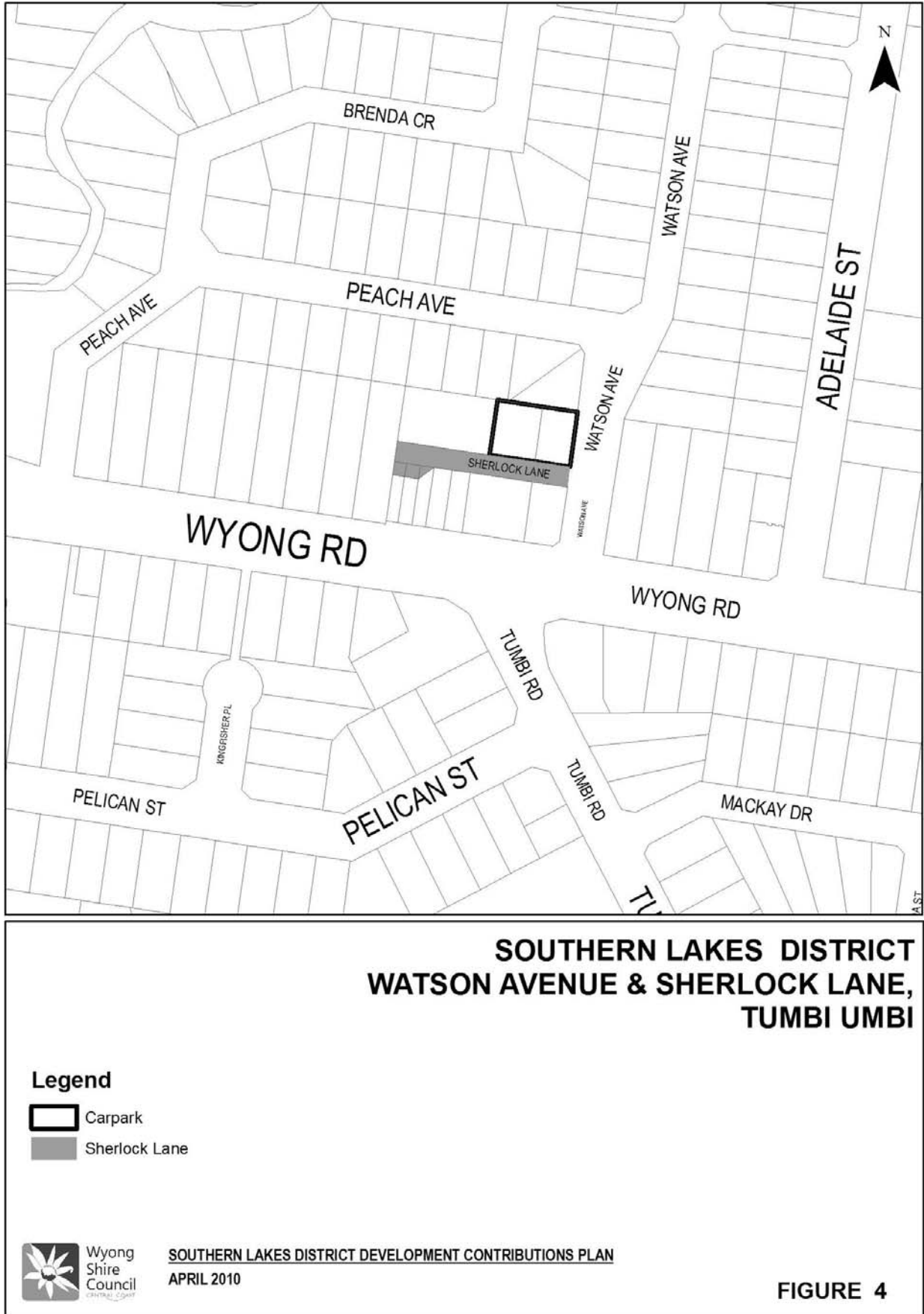
$$\$95,247 \times 0.2 = \$19,049$$

$$\$19,049 / 15.8 = \$1,206 \text{ per metre frontage indexed to April 2010}$$

The contribution rate for carparking will be calculated by dividing the total cost for land and construction by the number of spaces:

$$\$175,841/28 = \$6,280 \text{ per space indexed to April 2010}$$

Figure 4 Watson Avenue and Sherlock Lane, Tumby Umbi



3.2 Drainage Facilities

All drainage facilities required under this plan have been delivered. Funds for these facilities have not been fully recouped.

This section considers the drainage requirements generated as a result of the development in the area of this Plan.

A number of contribution schemes have been identified in the Southern Lakes District as follows:

- Tumbi Creek Area which relates to Tumbi Road and Tumbi Valley Stages 1-3 Urban Release Areas
- Berkeley Vale Urban Release Area
- Berkeley Vale Industrial Area
- Lower Tumbi Urban Release Area

The approach to establishing drainage requirements for this area has been:

- carry out a flood study to establish current flood levels for floods with various probabilities of occurrence (eg. 20%, 2%, 1%, etc.) based on existing levels of development
- use this study to predict future flood flows and levels and levels for floods within the same probability of occurrence based on existing levels of development and development of existing zoned areas, but excluding the proposed development
- use the study to predict future flood flows and levels with full development of the catchment, including the proposed development
- identify drainage improvements necessary to handle the predicted flows, and
- where necessary, apportion costs of improvements based on an area basis or, where run-off characteristics vary from area to area, or actual run-off flows from each area

All drainage facilities required under this plan have been delivered. Funds for these drainage facilities have been recouped

Details of each of the schemes are as follows:

3.2.1 Tumbi Creek Area

Details of drainage requirements are contained in a technical report completed by Council's Investigation Section (Report No F92-12, September 1992) and in a report by Cameron McNamara.

The works are described below.

- augmentation of culverts under Wyong Road
- streambank protection works upstream and downstream of Wyong Road
- augmentation and construction of an open channel downstream of Brooke Avenue
- construction of an open channel adjacent to Lumby Drive

Figure 5 shows the location of the works and the area in which contributions will be sought.

Apportionment of Costs

Apportionment of costs will be on the basis of area contributing.

Calculation of the Contribution Rate

Contribution Rate	=	Cost/Area
	=	\$2,236,766/151.9
	=	\$14,725 per hectare
Cost per DU	=	\$956 (NDA/15.4 lots per hectare) (indexed to April 2010)

Program for Works and Funding

All drainage facilities required under this plan have been delivered. All funds for these drainage facilities have not been recouped

3.2.2 Berkeley Vale Urban Area

Details of drainage requirements are contained in a technical report completed by Council's Investigation Section and consultants (Report No F89-10, June 1989).

The works are described below:

- open channel (Channel No 1) from Kingsford Smith Drive to South of Bundilla Road
- augmentation of culverts under Bundilla Road
- open channel from Lakedge Avenue across Wyong Road to Heather Avenue
- culvert construction under Wyong Road and Berkeley Road
- causeway at Heather Street

Figure 6 shows the location of the works and the area in which contributions will be sought.

Apportionment of Costs

Apportionment of costs will be on the basis of drainage flows generated as all areas have similar characteristics, contribution rates will be calculated on a dwelling unit, or equivalent basis. Note: Zone 1 does not form part of the scheme.

Figure 5 Tumbi Creek Drainage

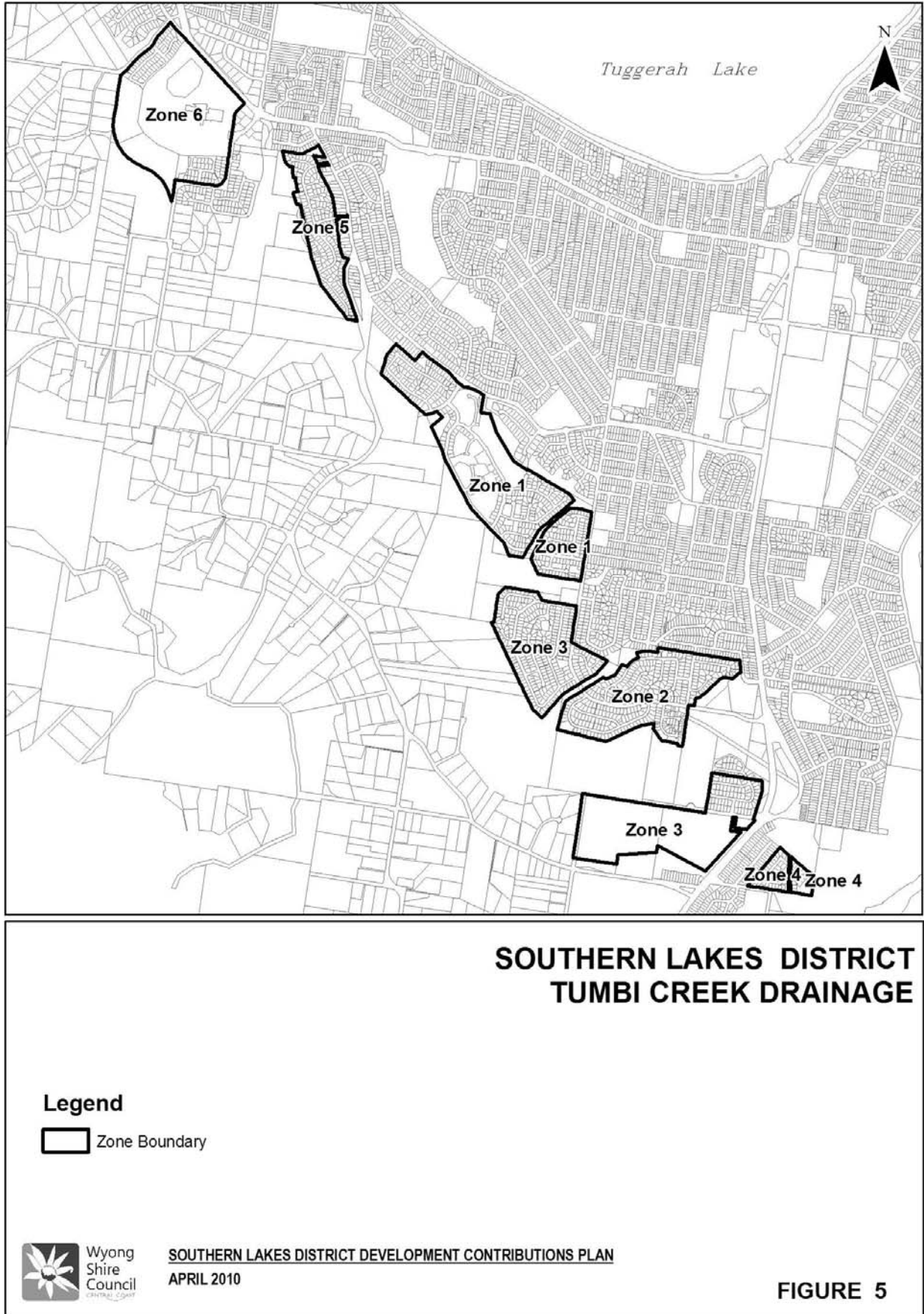



Figure 6 Berkeley Vale Urban Area Drainage



SOUTHERN LAKES DISTRICT BERKELEY VALE URBAN AREA DRAINAGE

Legend

 Zone Boundary



SOUTHERN LAKES DISTRICT DEVELOPMENT CONTRIBUTIONS PLAN
APRIL 2010

FIGURE 6

Calculation of the Contribution Rate

$$\begin{aligned}
 \text{Contribution Rate} &= \text{Cost/No of DUs} \\
 &= 3,017,728/1,194 \\
 &= \$2,527 \text{ per DU (indexed to April 2010)}
 \end{aligned}$$

Program for Works and Funding

All drainage facilities required under this plan have been delivered. All funds for these drainage facilities have not been recouped

3.2.3 Berkeley Vale Industrial Area

Details of drainage requirements are contained in a technical report completed by Council and a report by Paterson Consultancy Pty Ltd (Report No F90-1, March 1990).

The works are described below:

- augmentation of culverts under Enterprise Drive
- construction of a channel parallel to Enterprise Drive
- construction of Levee Bank on the western side of railway line
- construction of a flood gate and minor works on existing culvert under the railway line
- construction of a levee and culvert works adjacent to Chittaway Road
- augmentation of access culverts in Corella Close

Figure 6 shows the location of the works and the area in which contributions will be sought.

Apportionment of Costs

Apportionment of costs will be on the basis of area contributing.

Note: Zone 1 includes works in kind, not contributions.

Calculation of the Contribution Rate

$$\begin{aligned}
 \text{Contribution Rate} &= \text{Cost per Area} \\
 &= \$2,064,231/96.6 \text{ hectare} \\
 &= \$21,369 \text{ per hectare (indexed to April 2010)}
 \end{aligned}$$

Program for Works and Funding

All drainage facilities required under this plan have been delivered. All funds for these drainage facilities have not been fully recouped

3.2.4 Lower Tumby Valley Urban Release Area

Details of drainage requirements for the area are contained in a technical report completed by Paterson Consultants Pty Ltd (June 6, 1997).

The works are described below with further details provided in the technical report and cost estimates shown in Table 6:

- construction of an open channel adjacent to the Mingara Club carpark
- construction of a Wetland adjacent to the Mingara Club carpark
- extension of the open drain adjacent to Wyong Road (Moss drain)
- construction of an open channel to the west of the Mingara Club
- construction of a wetland to the west of the Mingara Club
- construction of a levee to the west of the Mingara Club

Figure 8 shows the location of the works.

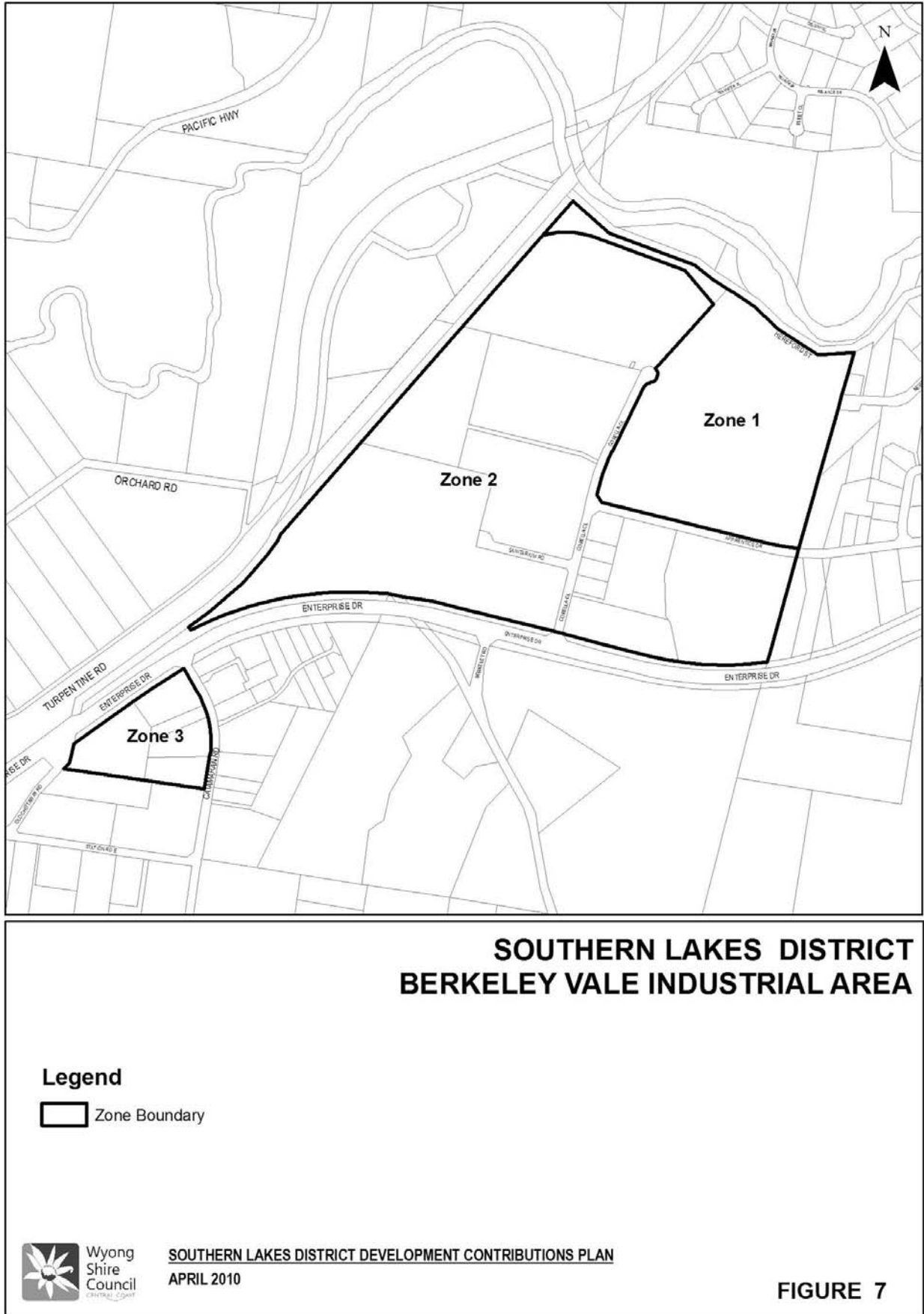
Apportionment of Costs

Apportionment of costs is based on the need for the works and the gross developable areas involved.

Figures 7 and 8 show the various sub-areas from which contributions will be sought.

To recognise the proposed staging of the Mingara development over Sub-Area A, a further breakdown of the cost over development precincts is proposed.

Figure 7 Berkeley Vale Industrial Area



Calculation of the Contribution Rate

The following contribution rates have been determined by dividing the total estimated costs for each development sub-area by the estimated gross area of each sub-area.

Contribution Rate = Sub-Area Cost/Gross Area

Table 6 Contribution Rates for Sub-Areas

Sub-Area & Cost (see Figure 17)	Gross Area (Ha)	Contribution / Gross Ha (Indexed to March 2002)
A \$305,622	9.57	\$31,935
B \$165,319	4.92	\$33,602
C \$140,692	7.27	\$19,352
D \$ 39,008	0.69	\$56,534
E \$ 110,176	4.68	\$23,542
F \$201,714	3.39	\$59,503
G \$130,951	6.67	\$19,633
H \$228,460	9.65	\$23,675
I \$366,623	2.77	\$132,355
J \$ 78,417	6.60	\$11,881
K \$ 54,695	2.85	\$19,191
TOTAL	59.06	N/A

Program for Works and Funding

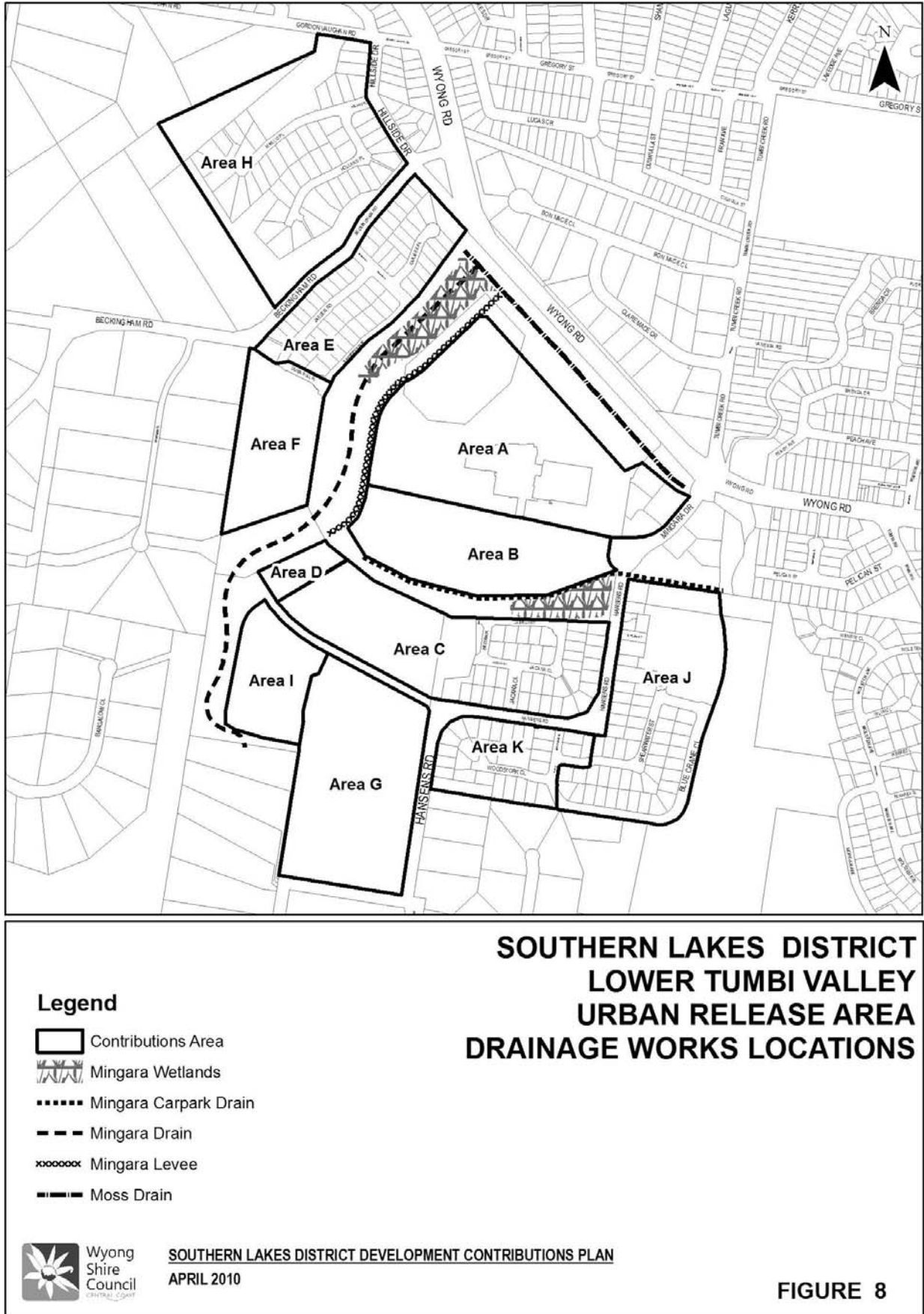
All drainage facilities required under this plan have been delivered. All funds for these drainage facilities have not been recouped.

Dedication

All drainage areas identified in Figure 8 of the lower Tumby Valley Urban Release Area Development Control Plan and located on Lot 2 DP 714771 and Lots 1003, 1005 and 1006 DP 864115 shall be dedicated to Council (with no contribution sought by this plan from other areas). Dedication shall occur following completion of all drainage and landscaping works.

The dedication of land in accordance with this section shall not be used to offset other contribution requirements under this plan.

Figure 8 Lower Tumby Valley Urban Release Area – Drainage Works Locations



3.3 Open Space and Recreational Facilities

Wyong Shire Council's goal for open space is to implement an open space system, which conserves a sustainable natural character for the Shire and provides a variety of settings for recreation to meet identified community needs.

Council requires that local open space for residential areas be provided at the standard of 3.0ha per 1,000 persons.

There are various categories of open space within Wyong Shire as follows:

- Regional Open Space which includes Semi Natural open space, Regional Parks and Field/Courts
- District Open Space which includes Large Parks, Fields and Courts
- Local Open Space which includes Local Parks
- Ancillary Open Space which is open space that has a dual use such as a drainage corridor and passive open space or a visual use

Wyong Shire Council's Open Space Principles Plan (2005a) provides minimum areas for the different types of open space, however there is flexibility where it can be proven that the open space purpose can be achieved. The minimum area for each of the types is outlined in Table 7.

Table 7 Minimum Open Space Areas

Type of Open Space	Minimum Area (ha)
Field	4.0
Large Park	2.0
Semi Natural Open Space	2.0
Court	1.0
Small Park	0.5

3.3.1 Nexus between Development and Demand

Causal Nexus

It is proposed to levy contributions based on the standard provision of 3.0ha per 1,000 persons. Therefore, 12.18ha of open space are required to meet the demands of the new population growth of 4,058 persons. Embellishment will improve the quality of the open space and recreational facilities to allow additional use.

The Principles Plan also provides how open space should be proportioned against the different types of open space. Table 8 outlines this proportion and the amount of the different types of open space for the plan area.

Table 8 Apportionment Open Space Areas

Type of Open Space	Notional Proportion (%)	Notional Area Required (ha)
Local and Large Parks	35	4.27
Courts	5	0.61
Fields	30	3.65
Semi Natural Open Space	25	3.04
Cycleways (not part of this plan – see Shire Wide Contributions Plan)	5	0.61
TOTAL	100	12.18

Spatial Nexus

The Open space Principles Plan sets out the requirements for location of open space and recreational facilities such as locating fields and courts adjacent to each other, locating small parks within 500m of all consolidated residential areas and co-location of facilities wherever possible.

Facilities have been located in areas to meet the needs of the new residential development and taking advantage of existing facilities. Contributions are levied on a per DU basis so that only the open space required to meet the demands of the new population is levied. Council will continue to identify facilities that will meet the needs of the future population. These projects will be identified through the revision of this plan and/or Council's annual Management Plan.

A detailed Schedule of Works is provided in Appendix B.

Temporal Nexus

Wyong Council has undertaken various open space reports such as the Local Parks Resource Report for Action Plan 2005, Local Parks Strategy 2005, Recreation Facilities Strategy 2009 and the Local Parks Action Plan 2005 which outline the required actions and priorities for open space projects. These reports have been used to identify the priority of the proposed projects. Contribution funds for the open space projects will be pooled to allow the open space projects to be undertaken in accordance with prioritisation as outlined in the Schedule of Works (Appendix B).

3.3.2 Open Space Land Requirements

Assessment of existing open space land shows that there is an excess of land for the existing population and that there is no significant shortfall due to the requirements generated by the future development. Further, there is no concentrated location for this future development for which specific open space sites can be provided. Hence, there will be no requirement for land due to the future development.

3.3.3 Calculation of the Contribution Rate

Embellishment costs have been determined based on the average costs for previous works undertaken by Council as follows:

Local Parks - \$51/m² (average of the following examples)

Owl Park by AVJ developments indexed to March 2010 - \$208,759 for 5,000m² park = \$42/m²
 Mataram Road small park by Council indexed to March 2010 - \$238,199 for 3,992m² park = \$60/m²

Courts - \$144/m²

Value of courts in Warnervale contributions plan indexed to March 2010 - \$4,492,217 for 31,200m² = \$144/m²

Fields - \$67/m² (average of the following examples)

Pat Morley Oval indexed to March 2010 - \$2,154,619 for 92,000m² = \$23/m²
 Jubilee Oval indexed to March 2010 - \$3,699,664 for 34,644m² = \$107/m²
 Wadalba Sporting Fields indexed to October 2009 - \$6,627,347 for 95,525m² = \$69/m²

Semi Natural Areas - \$9/m²

Wadalba Corridor embellishment quotes 2007 indexed to March 2010.

Wadalba Corridor embellishment quotes indexed to October 2009.

Table 9 provides a summary of the current rates for embellishment of open space based on the above.

Table 9 Embellishment Rates per Square Metre

Open Space Facility	Embellishment Costs
Local and Large Parks	\$51/m ²
Courts	\$144/m ²
Fields	\$67/m ²
Semi Natural	\$9/m ²

The above cost estimates are applied to the area requirements to determine the overall embellishment costs for open space within the Southern Lakes District.

Table 10 Open Space Embellishment Costs

Open Space Facility	Area Required (m ²)	Embellishment Rate (\$ per m ²)	Embellishment Cost
Local Parks	42,609	51	\$2,168,286
Courts	6,087	144	\$876,541
Fields	36,522	67	\$2,451,679
Semi Natural	30,435	9	\$263,621
TOTAL			\$5,760,127

Contributions for Open space and Recreational Facilities will be fully apportioned to future development. The contribution rate is determined as follows (all rates are determined to the nearest dollar):

$$C = \frac{\$ \text{Facility Cost}}{\text{Demand}}$$

Where:

C is the contribution rate per DU

\$Facility Cost is the total Open Space and Recreational Facilities costs

Demand is the total DU predicted in the District

Local Parks

$$C = \frac{\$2,168,286}{1,555 \text{ DU}}$$

$$= \$1,395 \text{ per DU}$$

Courts

$$C = \frac{\$876,541}{1,555 \text{ DU}}$$

$$= \$564 \text{ per DU}$$

Sporting Fields

$$C = \frac{\$2,451,679}{1,555 \text{ DU}}$$

$$= \$1,577 \text{ per DU}$$

Semi Natural

$$\begin{aligned} C &= \frac{\$263,621}{1,555 \text{ DU}} \\ &= \$170 \text{ per DU} \end{aligned}$$

$$\text{Combined} = \mathbf{\$3,705 \text{ per DU}}$$

3.3.4 Apportionment of Costs

Future development predicted within the District will be spread throughout the area and so all future development will be required to share the costs for open space embellishment on a proportional basis.

3.4 Community Facilities

Wyong Council has prepared Guidelines for the Planning and Provision of Community Facilities in Wyong Shire (2000, updated in July 2002) which determines the requirements to specify the scope and level of community need for facilities and in identifying location, siting, design and other criteria.

Wyong Council provides a network of community facilities as a focus for community activities and as venues for the delivery of community support services and programs. These facilities function as both specific purpose and multi-function community facilities including libraries, public halls, youth, child care and senior citizens centres and general purpose neighbourhood/community centres. They incorporate spaces and rooms for large public meetings/private functions, group activities, workshops, interviews/counselling services, office accommodation and the provision of a diverse range of health, education, welfare and leisure services and programs.

The Guidelines adopt a flexible approach through the construction of multi-purpose facilities and the co-location of services. This also includes the embellishment of existing facilities where feasible to increase the functionality of halls and centres and develop more multi-purpose facilities. The development of multi-purpose facilities presents the opportunity to establish a major focus for community services delivery through the co-location of a number of services in the one facility. This flexible approach also encourages joint venture projects with community based and voluntary sector organisations as well as schools.

3.4.1 Nexus between Development and Demand

Causal Nexus

It is not proposed to construct any new facilities within the District at this time. Rather, an assessment of the usage patterns and catchments of existing facilities has resulted in a recommendation to embellish existing facilities to ensure that they can cater for the demand created by the future population.

Council's Guidelines recommend that an additional 0.314m² per person of community floor space is provided. This amount of floor space has been determined based on average sizes for community facilities and the standard provision for each type of facility. An additional 1,276m² of community floor space is required to meet the needs of the additional 4058 persons within the plan area.

The required area of 1276m² is then calculated by the cost per square metre to provide additional community facilities. The cost of \$3,776 per m² has been used. This cost has been derived by Council based on the detailed design and development of a number of community facilities within the Shire as outlined below:

- Blue Haven Community Centre Construction Cost \$4,627,898 for 1,092m² = \$4,238 per m²
- Southern Lakes Community Centre Construction Cost \$1,932,174 for 583m² = \$3,314 per m²
- **Average \$3,776 per m²**

An amount of \$4,810,799 will be apportioned to future development to embellish existing community centres and halls to meet the additional demand.

Spatial Nexus

The District provides a number of existing community halls and centres. It is proposed that these existing facilities will be embellished to increase the capacity to meet the demand from the new population growth. A Joint Venture has also been entered into with the Lake Munmorah High School to provide additional community space for the public. Contributions are levied on a per DU basis so that only the Community Facilities required to meet the demands of the new population is levied. These projects will be identified through the revision of this development contributions plan and/or Council's annual Management Plan.

Temporal Nexus

Contribution funds for the Community Facilities will be pooled to allow projects to be undertaken in accordance with the prioritisation as outlined in the Schedule of Works (Appendix B).

3.4.2 Community Facilities Land Requirements

Assessment of existing community facilities that there is an excess of land for the existing population and that there is no significant shortfall due to the requirements generated by the future development. Further, there is no concentrated location for this future development for which specific community facilities sites can be provided. Hence, there will be no requirement for land due to the future development.

3.4.3 Calculation of the Contribution Rate

The contribution rate is determined as follows (all rates are determined to the nearest dollar):

$$C = \frac{\text{\$Facility Cost}}{\text{Demand}}$$

Where:

C is the contribution rate per DU

\\$Facility Cost is the total Community Facilities costs

Demand is the total DU predicted in the District

$$C = \frac{\$4,810,799}{1,575 \text{ DU}}$$

$$= \mathbf{\$3,095 \text{ per DU}}$$

3.5 Administration

The costs to be recovered under this plan include:

- the salary and operating costs over a 5 year period for the coordination of the development 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 development contribution functions
- on-costs, vehicles and award increases over a 5-year period

Table 10 provides details of the administration costs to be recovered under this plan based on the apportioned number of DUs identified in Table 11.

3.5.1 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, and time taken to administer, this contributions plan, 2.5% of the total administration costs are included (as shown in Table 11).

3.5.2 Apportionment

The apportioned estimated cost of administering development contributions is assessed as follows:

Table 11 Costs to be Recovered by this Plan

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 2.5% of Total Costs
Development Contributions Staff	\$1,423,661	100%	\$1,423,661	\$35,592
Accounting Staff	\$429,605	20%	\$85,921	\$2,148
Development Design Staff	\$2,456,104	35%	\$859,636	\$21,491
Subdivision Supervision Staff	\$1,397,045	20%	\$279,409	\$6,985
TOTAL			\$2,648,627.00	\$66,216

Divide the amount to be recovered by this plan by percentage of DUs apportioned to this Plan area, as shown in Table 121.

Table 12 Percentage of DUs Apportioned to this Plan Area

Total No of Predicted DUs Across the Shire in 5 year Period	Percentage of DUs Apportioned to this Plan	2.5% of DUs Apportioned to this Plan
5,789	2.5%	145

3.5.3 Calculation of the Contribution Rate

Contributions will be collected from residential and non residential development in Ourimbah toward the cost of administering and managing development contributions.

The monetary contribution per DU is calculated as follows:

$$\text{Contribution per DU (\$)} = \frac{\text{AC(CPA)}}{\text{DU}}$$

Where:

AC(CPA) is 2.5% of the estimated cost of administering development contributions in the Shire of Wyong over the life of this plan (i.e. \$66,216 rounded).

DU is 2.5% of the total DUs predicted across the Shire over an example 5 year period, as shown in Table 12. (i.e. 145 DU).

$$\begin{aligned} \text{Contribution per DU (rounded)} &= \frac{\$66,216}{145} \\ &= \mathbf{\$458} \end{aligned}$$

Appendix A – References

The following references have been used to formulate this Plan. A supporting document of this background information is available. This document includes all documents prepared by or on behalf of Council to support this plan. Other documentation such as the Practice Notes and CPI are available on the relevant website.

Australian Bureau of Statistics	6401.0 Consumer Price Index, Australia All Groups, Percentage Change (from previous financial year) for Sydney (www.abs.gov.au).
ID Consulting (2010)	2001-2031 Population and Household Forecasts for Southern Lakes Social Planning District. Prepared for Wyong Shire Council.
NSW Department of Planning	Development Contributions Practice Notes. www.planning.nsw.gov.au .
Wyong Shire Council 2002	Guidelines for the Planning and Provision of Community Facilities in Wyong Shire. Section 94 Background Report. Final Report prepared by Strategic Planning Department June 2000.
Wyong Shire Council 2005b	Local Parks Strategy Prepared by Strategic Planning Department August 2005.
Wyong Shire Council 2005c	Local Parks Resource Report for Action Plan Strategic Planning Department November 2005.
Wyong Shire Council 2005d	Local Parks Action Plan Strategic Planning December 2005.
Wyong Shire Council 2005a	Draft Wyong Open Space Principles Plan. Prepared by the Strategic Planning Department. Amendment No 4 June 2005.
Wyong Shire Council 2008	Draft Community Facilities Strategy
Wyong Shire Council 2009	Recreational Facilities Strategy October 2009.

Appendix B – Schedule of Works

Schedule of Works	Cost Summary	Existing Funds @ 30/6/2009	Total Funds	Predicted Timing
Roadworks and Traffic Management				
Tumbi Valley Stage 3: Access Road & Intersection with The Entrance Road	\$543,727	\$55,791	\$599,518	Funds to be expended in accordance with the rolling works program
Wyong Road/Mingara Drive/Tumbi Creek Road Roundabout Improvements	\$844,525	0	\$844,525	Completed
Drainage				
Tumbi Creek Area	\$2,236,766	0	\$2,236,766	Completed
Berkeley Vale Urban Area	\$3,017,728	0	\$3,017,728	Completed
Berkeley Vale Industrial Area	\$2,064,231	0	\$2,064,231	Completed
Lower Tumbi Valley Urban Area	See table 5	0		Completed
Service Access – Watson Avenue & Sherlock Lane, Tumbi Umbi	\$95,247	0	\$95,247	Completed
Open Space and Recreation Facilities				
Local Parks	\$2,168,286	\$226,738	\$2,395,024	Funds to be expended in accordance with the rolling works program within Council's Management Plan and the Local Parks Strategy and Recreation Facilities Strategy
Courts	\$876,541	\$32,390	\$908,931	
Sporting Fields	\$2,451,679	\$194,338	\$2,646,017	
Semi Natural	\$263,621	\$161,948	\$425,569	
Community Facilities				
Embellishment of Existing Community Centres and Halls	\$4,810,799	\$690,440	\$5,501,239	Funds to be expended in accordance with the rolling works program within Council's Management Plan and the Community Facilities Strategy
TOTAL COSTS OF WORKS	\$19,373,150	\$1,361,645	\$20,734,795	