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## Executive Summary

### Purposes of this Plan

The primary purpose of this plan is to authorise:

- Council, when granting consent to an application to carry out development to which this plan applies; or
- an Accredited Certifier, when issuing a Complying Development Certificate for development to which this plan applies

to require a monetary contribution to be made towards:

- the provision, extension or augmentation of community infrastructure only where development is likely to require the provision of or increase the demand for community infrastructure; and
- the recoupment of the cost of providing existing community infrastructure within the area to which this plan applies.

Other purposes of this plan are:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of community infrastructure generated by development within the area;
- to determine the demand for public facilities generated by the incoming population to the area and ensure that development makes a reasonable contribution toward the provision of services and facilities that are required for that population;
- to ensure that the existing community is not unreasonably burdened by the provision of public infrastructure required (either partly or fully) as a result of development in the area; and
- to ensure Council's management of development contributions complies with relevant legislation and guidelines, and achieves best practice in plan format and management.

Contributions from development levied under this plan will not be used to address any backlog in the provision of works and services for the existing population, for development which has already obtained development consent at the date of preparation of this plan, or for development not requiring consent.

### Objective of this Plan

The objective of this plan is to determine the development contribution rates and means of providing public services and amenities in support of, and necessary for, proposed development within the Warnervale Town Centre (WTC).

## Scale of Future Development

The WTC will accommodate approximately 3,600 residents in up approximately 1,400 dwellings over 25 years. Residents will be accommodated in a variety of housing types including single dwellings on individual allotments, attached (duplexes & townhouses) and apartments above and within retail/commercial developments.

The WTC will also accommodate up to 25,000m<sup>2</sup> of retail floor space, up to 8,000m<sup>2</sup> of bulky goods floor space, up to 15,000m<sup>2</sup> of commercial floor space and 11,000 m<sup>2</sup> of non specific non-residential business uses. This constitutes a total of 59,000 m<sup>2</sup> of non-residential use.

The majority of the development is likely to be within the civic precinct (precinct 6a). The proposed Part 3A application for the southern part of the Woolworths site will account for up 33,000m<sup>2</sup> of this non-residential use. Some of this projected non-residential use is also likely to spill over to the adjoining business zones.

**Figure 3** shows the various precincts and land uses proposed within the WTC.

## Timescales Identified in this Plan

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

This plan's works schedules however identify spending priorities. These priorities will form the basis of decisions about the order that works will be delivered and works that may be delivered using pooled funds. Given the uncertainty surrounding the mixed use multi-housing over retail/commercial development, many of the proposed open space and community facility projects will not occur in the short term. This plan will be regularly reviewed to ensure that community infrastructure is programmed and delivered in line with expected residential development.

Refer to the Schedules of Works included in **Appendix B** for further detail on timing.

## Structure of Contributions

This plan applies to all development situated within the area marked 'Contributions Plan Area' in **Figure 2** of this plan.

Contributions in this plan are levied on the basis of:

- the location of the development site;
- the drainage catchment(s) that is relevant to the development site;
- the traffic generated by the development; and
- the type of development proposed.

To determine the drainage catchment(s) in which a development is located, refer to **Figure 8** of the plan.

The total monetary contribution levied for any individual development under this plan is the sum of the contributions shown in **Table 1** for the relevant catchment. No credits shall be given to any existing or development approved prior to this plan.



## Fundamental Elements

This plan seeks to levy contributions on all types of development within the WTC to cover the cost of providing appropriate facilities and infrastructure.

Residential development will be levied contributions for open space and recreation facilities, community facilities, roads, drainage and stormwater management, studies and administration. Contributions for residential development will be levied per hectare of net developable area (NDA) in the residential zones and on a development unit basis for residential development with the business zones.

Non-residential development (predominantly commercial, retail and bulky goods) will be levied contributions for open space, community facilities, roads, drainage and stormwater management, studies and administration only. Contributions for open space, community facilities and roads will be levied on the projected vehicle trip generated by development, with the drainage and stormwater management and studies levied per hectare of NDA.

## Apportionment of Costs

Apportionment of the cost of facilities and infrastructure in this plan is based on the demand and/or traffic generated by development.

Some of the facilities and infrastructure to be provided within the WTC is solely for the benefit of development within the WTC. Other facilities and infrastructure provides benefits to development in a larger catchment. In these cases, development within the WTC will only be contributing a percentage of the total cost of providing such facilities and infrastructure. For example, WTC residential development will only be contributing a proportion of the cost of the proposed district park, district sporting fields, recreational centre and the knowledge centre, reflecting the fact that the residents of Woongarra, Hamlyn Terrace and Wadalba will also benefit from the provision of these sporting fields. WTC will be responsible for contributing to facilities that have already been provided in the adjoining suburbs, specifically the various playing fields that will be used by future residents. Similarly, development within the WTC will only be required to contribute a portion to the Wyong-Warnervale Link Road based on traffic generation rates.

## Summary of Facilities

This plan levies contributions for, or towards, the following *facilities and infrastructure*:

### Open Space and Recreation Facilities

- Civic Square;
- Parks;
- Existing Playing fields;
- District level sporting fields and multi-purpose courts;
- Riparian / open space / drainage corridor.

### Community and Cultural Facilities

- a library / knowledge centre that incorporates are range of community functions;
- an indoor recreation centre.

### Roadworks

- 10 road works comprising of new roads, upgradings and widenings;
- 18 intersection upgradings.

### Stormwater Management

- 6 local stormwater management facilities;
- local stormwater pump and reticulation connecting to the Regional Stormwater Harvesting Scheme;
- stormwater diversion pipeline from the WTC to Wyong Creek.

## Summary of Contribution Rates

**Table 1** provides the total contribution rates to be levied under this plan for residential development in precincts 1, 2, 3, 4 & 7b. These contribution rates are applied on a net developable area (NDA) basis. **Tables 2** and **3** provide the contributions that apply to residential development in precincts 5, 6a, 6b and 7a. **Table 2** provides the contributions that are levied on a NDA basis with those in **Table 3** levied on a development unit (DU) basis.

**Table 4** provides the State Infrastructure Contributions imposed by the Minister for Planning that applies to residential development in the Warnervale Town Centre. See **Appendix C** for details. This contribution is provided for information only and does not form part of this plan.

**Table 5** provides the contribution rates that are payable with respect to all non-residential development in the Warnervale Town Centre.

The contribution rates shown reflect the contribution rates at the time that this plan commenced. Rates are regularly adjusted for inflation in accordance with the provisions of **Section 2.6** of this plan.

Applicants should inquire at Council or on Council's website (<http://www.wyong.nsw.gov.au/building-and-development/development-contributions---section-94/>) for information on the latest contribution rates.

Contributions that apply to a development under this plan are additional to any contributions that apply to the same development under any other contributions plan adopted by Council, and that is in force.

**Table 1 Contribution Rates per Hectare of NDA for Residential Developments in Precincts 1,2,3,4 & 7b (R1 Zone)**

Precinct Number	Open Space Land	Open Space Works	Community Facilities Land	Community Facilities Works	Roads	Stormwater Management Land	Stormwater Management Works	Diversion Trunk Pipeline	Studies	Admin 0.4%	TOTAL
Precinct 1, 2, 3, 4 & 7b	\$112,236	\$150,030	\$5,594	\$114,776	\$163,420	\$27,550	\$93,081	\$30,346	\$3,331	\$2,802	\$703,205

**Table 2 Contribution Rates per Hectare of NDA for Residential Development in Precincts 5, 6a, 6b & 7a (B2 & B4 Zones)**

Precinct Number	Open Space Land	Open Space Works	Community Facilities Land	Community Facilities Works	Roads	Stormwater Management Land	Stormwater Management Works	Diversion Trunk Pipeline	Studies	Admin 0.4%	TOTAL for NDA Contributions
Precinct 5, 6a, 6b & 7a	per DU see Table 3	per DU see Table 3	per DU see Table 3	per DU see Table 3	per DU see Table 3	\$27,590	\$93,081	\$30,346	\$3,331	\$917	\$154,966

**Table 3 Contribution Rates per DU for Residential Development in Precincts 5, 6a, 6b & 7a (B2 & B4 Zones)**

Number of Bedrooms	Open Space Land	Open Space Works	Community Facilities Land	Community Facilities Works	Road	Admin	Total
1 bedroom residential unit	\$2,139	\$2,859	\$34	\$705	\$4,411	\$41	\$10,189
2 bedroom residential unit	\$2,797	\$3,738	\$45	\$923	\$5,513	\$52	\$13,068
3 bedroom residential unit	\$4,277	\$5,717	\$69	\$1,411	\$7,719	\$77	\$19,270
4 bedroom residential unit / residential allotment	\$5,100	\$6,817	\$82	\$1,682	\$7,719	\$86	\$21,485

**Table 4 Special Infrastructure Contribution Rate per Hectare of NDA of Residential Development**

Special Infrastructure Contribution per ha
\$140,000

**Table 5 Contribution Rates for Non-Residential Development**

Contribution Unit	Open Space Land per vehicle trip	Open Space Works per vehicle trip	Community Facilities Land per vehicle trip	Community Facilities Works per vehicle trip	Roads per vehicle trip	Stormwater Management Land NDA	Stormwater Management Works NDA	Diversion Trunk Pipeline NDA	Studies NDA	Admin 0.4% Contributions
Precinct 5, 6a, 6b & 7a	\$26.09	\$34.88	\$1.30	\$26.66	\$1,107	\$27,590	\$93,081	\$30,346	\$3,331	0.40%

# 1 Introduction

## 1.1 Background

The Central Coast Regional Strategy recognises the regional significance of the Warnervale Town Centre (WTC) as a new retail, commercial and community growth centre to be developed over the next 25 years. The total projected dwelling yield and resident population is based on the developable land as per the urban zonings that apply to the land.

The WTC site, as shown in **Figure 1**, was initially rezoned by the State Government on 7 November 2008 under State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24). An amendment to planning controls was gazetted on 21 September 2012 under State Environmental Planning Policy Amendment (Miscellaneous) 2012. This instrument had the effect of inserting the adopted planning controls into the Wyong Local Environmental Plan 1991. The planning control maps can be viewed on the NSW Legislation website at ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) by clicking the "Maps" tab on the top bar of the Wyong LEP page.

The Department of Planning adopted WTC Development Control Plan (DCP) on 7 September 2012 to guide development with the WTC including setting out residential dwelling targets and a range of design controls. The adopted DCP is available on the Department of Planning Website ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)) through the following web pages Home>Development Assessments>Major Project Assessments>State Significant Sites>Gazetted Sites.

### 1.1.1 Minister's Direction

The Minister issued a Section 94E Direction on **17 September 2010** revoking the 4 June Direction (\$20,000 cap), such that a \$30,000 cap would apply for new release areas and no cap would apply to contribution plan areas where more than 25% of the land had already been granted consent. The Direction contained schedules of contributions plans for which the "\$30,000 cap" and the "no cap" applied respectively. (D02370497).

The Department of Planning Guidelines issued on **23 November 2010** (PS10-025) restate the capping principals that were applied in the Minister's Direction of 17 September 2010, as well as providing a role for the Independent Pricing & Regulatory Tribunal (IPART) in the review and approval of Section 94 plans. The Guidelines indicated that new contributions plan that exceed the proscribe caps would need to be reviewed by IPART, as well as those for which priority infrastructure funding is sought.

The Department of Planning indicated in its letter dated 22 December 2010 that the Minister will include the contributions plan in the \$30,000 cap that applies to greenfield sites once it has been adopted (D02475769). This cap was reaffirmed in the Minister's direction of 21 August 2012.

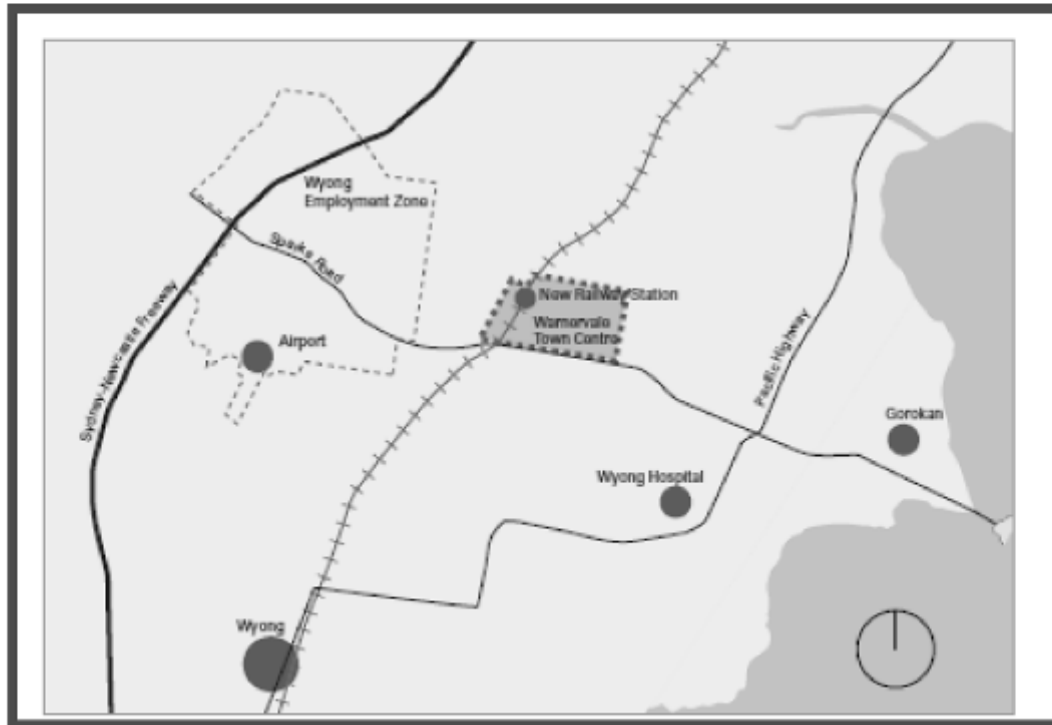
While this plan requires the payment of contributions on a Net Developable Area basis for residential development, it can be demonstrated that the total contribution rate per dwelling is below the \$30,000 cap (See **Table 6**). Section 26 (3) of the EP&A Regulations requires that Council must not approve a contributions plan that is inconsistent with any direction given to it under Section 94E of the EP & A Act.

**Table 6 Compliance with Ministerial Cap**

Precinct Number	Per Hectare NDA Rate for Residential Development	Average Dwellings per Hectare	Rate per Dwelling
Precinct 1, 2, 3, 4 & 7b	\$703,205	25	\$28,586

Precinct Number	Per Hectare NDA Rate for Residential Development	Average Dwellings per Hectare	Pro rata NDA Rate per Dwelling	DU Rates for Dwelling	Total Rate per Dwelling
Precinct 5, 6a, 6b & 7a	\$154,966	52	\$2,980	\$21,485	\$24,465

Figure 1 Regional Context



## 1.2 Purpose of this Plan

This plan has been prepared to determine the development contribution rates and means of providing facilities and infrastructure in support of and necessary for proposed development within the WTC.

This plan provides information on:

- why development contributions are being sought;
- type, scale, location and timing of the expected development; and
- facilities and infrastructure demanded by the expected development, together with an estimate of the cost and staging of the facilities and infrastructure.

This plan has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

### 1.3 Name of this Plan

This plan is called the Warnervale Town Centre Development Contributions Plan (the plan) dated December 2012.

### 1.4 Commencement of this Plan

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

### 1.5 Aims and Objectives

The primary aim of this plan is to authorise:

- Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a complying development certificate for development to which this plan;

to require a direct contribution to be made towards:

- the provision, extension or augmentation of facilities and infrastructure only where development is likely to require the provision of or increase the demand for community infrastructure; and
- the recoupment of the cost of providing existing facilities and infrastructure within the area to which this plan applies.

Other aims of this plan are:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of facilities and infrastructure generated by development within the area;
- to determine the demand for facilities and infrastructure generated by the incoming population to the area and ensure that development makes a reasonable contribution toward the provision of services and facilities that are required for that population;
- to ensure that the existing community is not unreasonably burdened by the provision of facilities and infrastructure required (either partly or fully) as a result of development in the area; and
- to ensure Council's management of development contributions complies with relevant legislation and practice notes, and achieves best practice in plan format and management.

Contributions from development levied under this plan will not be used to address any backlog in the provision of facilities and infrastructure for the existing population, for development which has already obtained development consent at the date of preparation of this plan, or for development not requiring consent.



The objectives of this plan are to:

- determine the development contribution rates and means of providing facilities and infrastructure in support of, and necessary for, proposed development within the WTC; and
- provide information on:
  - why development contributions are being sought;
  - type, scale, location and timing of the expected development; and
  - facilities and infrastructure demanded by the expected development, together with an estimate of the cost and staging of facilities and infrastructure.

## 1.6 Land to which this Plan Applies

This plan applies to land within the WTC, as shown on **Figure 2**.

## 1.7 Relationship with other Plans and Policies

This Plan should be read in conjunction with Wyong Local Environmental Plan 1991, Warnervale Town Centre Development Control Plan 2012, Warnervale Town Centre Special Infrastructure Contributions Plan October 2008, Council's Management Plan and Council's codes and policies.

This Plan takes precedence over any of Council's codes and policies where there are any inconsistencies in relation to development contributions.

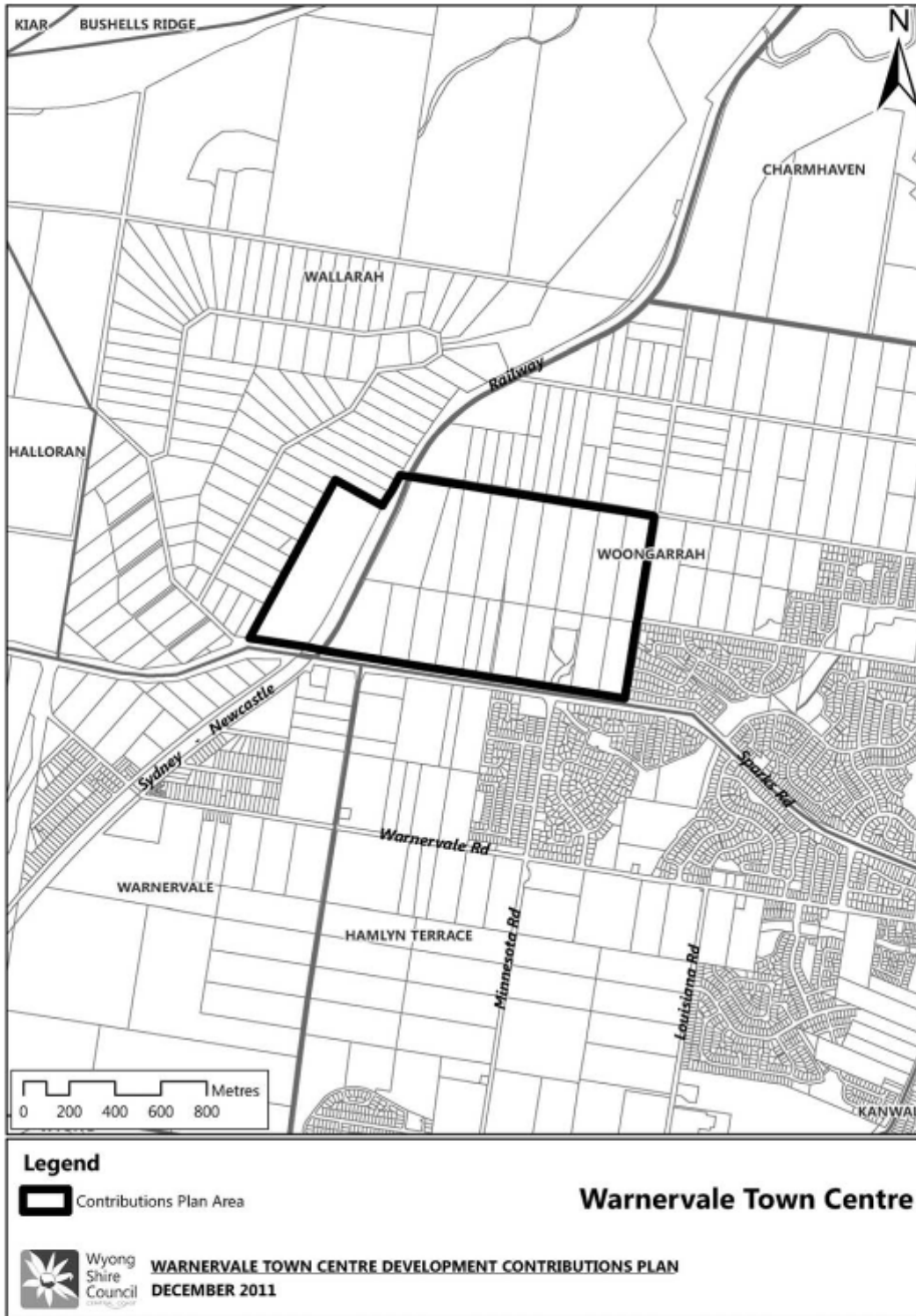
Other contributions plans may also apply to development covered by this plan.

## 1.8 Savings and Transitional Arrangements

A development application that 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.

Section 271B of the EP&A Regulations prohibited the granting of consent to a development application prior to the adoption of a contributions plan for the WTC up unless it was for minor development or the developer has entered into an agreement that makes adequate provision with respect to the matters that may be the subject of a contributions plan. This provision was repealed on 21 September 2012.

Figure 2 Contributions Plan Area



## 1.9 Assumptions on which this Plan is Based

### 1.9.1 Works Costs

The works cost details in this plan are based on original costs estimates indexed to June 2012.

Council may amend this plan's works costs and contribution rates to meet the effects of inflation, as discussed in **Section 2.6**. Council may also review works costs in conjunction with a regular review of this plan, as discussed in **Section 2.12**.

More detail on works costs estimates are contained in various technical reports/documents prepared by Council or other external parties. A full list of reports/documents that address the costs of facilities included in this plan is contained in **Appendix A** of this plan.

All works costs used in this plan are exclusive of Goods and Services Tax (GST). In the event that legislation changes and contribution attract the GST, the contribution payable will include the additional GST charge.

### 1.9.2 Land Costs

Land values were originally based on October 2006 valuations. Updated valuations were obtained in May 2010 and these are the values used for the determination of land costs under this plan.

All land costs used in this plan are exclusive of Goods and Services Tax (GST). In the event that legislation changes and contribution attract the GST, the contribution payable will include the additional GST charge.

## 1.10 Structure of this Plan

**Section 1** of this plan outlines the background to preparation of this plan and the expected development within the WTC. It discusses the legislation that permits and governs the imposition of contributions in accordance with this plan and addresses various legislative requirements.

**Section 2** of this plan contains all of the elements required by the legislation to ensure the plan is administered in an orderly, reasonable and transparent manner. It ensures that developers required to pay contributions in accordance with this plan are aware of how funds will be collected, held and spent and in what timeframe.

**Section 3** of this plan provides a land budget and identifies expected future development in the area affected by this plan.

**Section 4** of this plan provides the need for facilities and infrastructure generated by projected development. It also establishes and addresses the principles of nexus and apportionment.

## 2 Administration and Operation of this Plan

### 2.1 Definitions

In this plan, the following words and phrases have the following meanings:

**Accredited Certifier** has the same meaning as set out in the EP&A Act.

**Attributable cost** means the estimated cost for each item in the works schedules of this plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

**Community Infrastructure** means the land and works required to provide facilities and infrastructure of a kind for which Section 94 allows a contribution to be collected.

**Council** means the Council of the Shire of Wyong.

**Development contribution** means a contribution referred to in section 116A of the EP&A Act.

**Dwelling unit (DU)** is equivalent to a residential allotment or a 4 bedroom dwelling with an assumed occupancy rate of 3.1 persons.

**EP&A Act** means the Environmental Planning and Assessment Act 1979, as amended.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000, as amended.

**LGA** means local government area.

**Net development area (NDA)** means the actual area on which a building (primarily a dwelling) and ancillary buildings and ancillary uses could be sited and excludes land identified for public trunk drainage, roads, open space, community facilities, noise buffers,. NDA is expressed in hectares.

**Planning agreement** means a voluntary planning agreement referred to in section 116T of the EP&A Act.

**Social housing provider** has the same meaning as set out in State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

**Vehicle trips, trips** means the estimated average annual daily traffic (AADT) movements used for the purpose of calculating the roads contribution.

**Works in kind** means the undertaking of a work or provision of a facility by an applicant/developer which is already nominated in the works schedule of a contributions plan.

**Works schedule** means the schedule of the specific community infrastructure for which contributions may be required, and the likely timing of provision of that community infrastructure based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in **Appendix B** of this plan.

**WWAHT** means the areas of Wadalba, Woongarra and Hamlyn Terrace urban release areas that is covered by the Section 94 Contributions Plan No. 7A – Drainage, Water Quality, Open Space, Community Facilities and Roads - Warnervale District – September 2005.

## 2.2 Development Forms to which this Plan Applies

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.

The type and quantum of contributions applicable to any development will be determined having regard to:

- the area that is proposed to be developed and or subdivided; and
- the community infrastructure service catchment/s that are relevant to the development site.

**Table 7** sets out the types of development that may be required under this plan to make a contribution toward the provision of community infrastructure, and the development type to which the contributions are applicable.

**Table 7 Types of Development Required to Contribute Towards the Various Contribution Categories**

Development Type	Open Space	Community Facilities	Roadworks	Stormwater Management	Studies & Admin
Residential Development (including all types of dwellings other than singles dwellings on single lots)					
Dual Occupancy/Villa/Townhouse	✓	✓	✓	✓	✓
Secondary Dwelling (i.e. granny flat)	✓	✓	✓	✓	✓
Apartment	✓	✓	✓	✓	✓
Private* self contained dwelling and infill self care housing as defined by SEPP – Housing for Seniors	✓	✓	✓	✓	✓
Residential Subdivision	✓	✓	✓	✓	✓
Tourist Development					
Self contained tourist accommodation	✓	✓	✓	✓	✓
Motel Suite	✓	✓	✓	✓	✓
Caravan Park – Holiday Site	✓	✓	✓	✓	✓
Caravan Park – Long Term	✓	✓	✓	✓	✓
Commercial/Retail/Industrial Development					
Shops/Offices/Retail	✓	✓	✓	✓	✓
Industrial Subdivision	✓	✓	✓	✓	✓
Industrial Development**	✓	✓	✓	✓	✓
Shopping Centre/ Supermarket	✓	✓	✓	✓	✓
Bulky Goods	✓	✓	✓	✓	✓
Restaurants	✓	✓	✓	✓	✓
Schools	✓	✓	✓	✓	✓

Development Type	Open Space	Community Facilities	Roadworks	Stormwater Management	Studies & Admin
Licensed Club	✓	✓	✓	✓	✓
Hotel	✓	✓	✓	✓	✓
Other Development					
Hospital Bed	✓	✓	✓	✓	✓
Nursing Home Bed	✓	✓	✓	✓	✓
Hostel Bed	✓	✓	✓	✓	✓
Pre Schools/Child Care Centres	✓	✓	✓	✓	✓

\* Development carried out by a private developer who is not a social housing provider

## 2.3 How will Contributions be Imposed?

### 2.3.1 Development Contributions for Community Infrastructure may be Required as a Condition of Consent

This plan authorises Council or an accredited certifier, when determining a development application or an application for a complying development certificate relating to development to which this plan applies, to impose a condition under section 116G(1)(a) of the EP&A Act requiring:

- the payment of a monetary contribution; and/or
- the dedication of land free of cost

to Council towards the provision, extension or augmentation of facilities and infrastructure as specified in this plan to meet the demands of the development.

This plan also authorises Council to require monetary contributions from development towards recouping the cost of the provision of existing facilities and infrastructure that has been provided by Council for or to facilitate the carrying out of development and which the development will benefit from.

### 2.3.2 Contributions for Land for Community Infrastructure Required under this Plan

This plan authorises Council, through the imposition of a condition of development consent, to require in connection with any development on land to which this plan applies:

- the dedication of land for facilities and infrastructure free of cost to Council; and/or
- the payment of a monetary contribution to Council for land for facilities and infrastructure that is required to enable the provision of facilities and infrastructure identified in this plan.

Wherever land required under this plan is situated within a development site, Council will generally require the developer of that land to dedicate the land required under this plan free of cost and 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 in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan, except where it relates to natural environmental and/or drainage lands.

Council may require dedication of particular land as a condition of consent where the value of the land dedicated exceeds the contribution due for provision of this particular type of land. This excess value may, subject to Council's written concurrence, form a credit to the developer which may be transferred to contributions obligations accruing in relation to other developments in the area affected by this contributions plan that are acted upon by the developer.

The excess value (credit) can only be used to offset future contribution obligations on a like for like basis (e.g. an excess value resulting for the dedication of open space land can only be used to offset future contribution obligations for open space land and open space works contributions).

## **2.4 Obligations of Accredited Certifiers**

### **2.4.1 Certifying Authority Must Require Payment of the Levy as a Condition of Issuing a Complying Development Certificate**

Pursuant to Section 85A & 94EC of the EP&A Act, this plan requires a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this plan applies subject to a condition requiring the applicant to pay to the Council the applicable contributions under this plan either:

- prior to the commencement of work where building or subdivision works are involved; or
- prior to the issue of the occupation certificate where no building works are involved; or
- prior to the commencement of a use where not building works are involved.

If a Minister's direction under Section 94E is in force, this plan authorises the certifying authority to issue a complying development certificate subject to a condition which is in accordance with that direction.

## **2.5 Obligations of Certifying Authorities**

In accordance with clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for the building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of a levy has been satisfied

The certifying authority must ensure that the applicant provides a receipt(s) that levies have been fully paid prior to the issue of any certificates. Copies of such receipts must be included with copies of 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.

Prior to the commencement of building works approved under a complying development certificate, a certifying authority must ensure that the applicant provides a receipt(s) that levies have been fully paid. Copies of such receipt(s) must be provided to the council with the notification to Council of the commencement of works. Failure to follow this procedure may render such a certificate invalid.

## 2.6 Indexation

### 2.6.1 Indexation of Contribution Rates

The purpose of this section is to ensure that the monetary contribution rates imposed at the time of development consent are adjusted to reflect the indexed cost of the provision of infrastructure included in this plan. This applies to both land and works.

Council may, without the necessity of preparing a new or amending contributions plan, make changes to the monetary contribution rates set out in this plan to reflect quarterly changes to the Consumer Price Index.

The monetary contribution rates will be indexed as follows:

$$\frac{\$C_A \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

**\$C<sub>A</sub>** is the monetary contribution rate at the time of adoption of this plan expressed in dollars

**Current CPI** is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the review of the contribution rate

**Base CPI** is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the date of adoption of this plan

**Note:** *The contribution rates shall not be index if the application of the index will result in a reduction in the contribution rates. Indexing shall recommence once indexing results in an increase in the contribution rate.*

Council will also regularly review the costs of land to be acquired under this plan. These reviews will be carried out by a registered valuer and any adjustment of land values in this plan will require amendment and public exhibition of this plan.

### 2.6.2 Indexation of Contributions Imposed under a Condition of Consent

The purpose of this section is to ensure that the monetary contributions imposed on developments at the time of consent are adjusted at the time of payment to reflect the indexed cost of the provision of community infrastructure included in this plan.

A contribution required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is made as follows.



The contributions stated in a development consent is calculated on the basis of the development 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 the time of payment in the following manner:

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

Where:

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

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

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

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

**Note:** The contribution rates shall not be index if the application of the index will result in a reduction in the contribution rates.

The current contribution rates are published by Council and are available on Council's website (<http://www.wyong.nsw.gov.au/building-and-development/development-contributions---section-94/>).

## 2.7 Material Public Benefits and Dedication of Land Offered in Part or Full Satisfaction of Contributions

A person may make an offer to Council to carry out works or provide another kind of material public benefit or dedicate land, in lieu of making a contribution in accordance with a condition imposed under this plan, in the terms described below.

An offer of this type may be accepted if the offer is deemed by Council to represent an "equivalent material public benefit". A developer is required to make prior written representations to Council at which time the proposal may be considered.

Council encourages developers to provide works-in-kind (i.e. works identified in this plan) in lieu of making cash contributions provided prior written agreement is reached with Council.

Approval to offset contributions will not be automatic. Applications will be considered on their merits (refer **Section 2.7.1** below) and where considered appropriate, offsets will only be considered on a like for like basis.

Water and sewerage contributions will not be offset against contributions determined in accordance with this plan; rather they will be offset in accordance with the provisions (if any) of the relevant Development Servicing Plan.

Where the value of a particular work-in-kind exceeds the contribution due for that work, this excess value may, subject to Council's written concurrence, form a credit to the developer which will be repaid either at the time identified in a Works In Kind Agreement entered into before the grant of a development consent (or as soon as practicable after and prior to the commencement of works) or once all of the following criteria have been met:

- all of the developer's land within the area serviced by the subject land has been developed and all relevant (like for like) contributions have been offset against the credit value; and
- a minimum of 75% of the areas benefiting from the credited land have contributed to the scheme; and
- if sufficient uncommitted funds exist in the fund.

Valuation of offers of material public benefits will be carried out in accordance with **Section 2.7.3**.

### 2.7.1 Matters to be Considered by Council in Determining Offers of Material Public Benefits

Council will take into account the following matters in deciding whether to accept an offer of material public benefit:

- the requirements contained in any material public benefits or works-in-kind policy that Council has adopted; and
- the standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction; and
- the conditions applying to the transfer of the asset to Council are to Council's satisfaction; and
- the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

Where the offer of material public benefit does not relate to an item of infrastructure identified in this contributions plan, Council will take into account the following additional matters:

- the overall benefit of the proposal; and
- whether the works schedule included this plan would require amendment; and
- the financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need make up for any shortfall in contributions by its acceptance of the offer); and
- the implications of funding the recurrent cost of the facility(s) the subject of the offer.

### 2.7.2 Agreements to be in Writing

Council will require the applicant to enter into a written Works In Kind Agreement for the provision of the works the grant of a development consent (or as soon as practicable after and prior to the commencement of works). If the offer is made by way of a draft planning agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent.

Works In Kind Agreements or any other kind of agreement shall be made between Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the agreed value of those works, the relationship between those works and this plan, the program for delivering the works. Planning agreements shall address the matters included in the EP&A Act and EP&A Regulation.

### 2.7.3 Valuation of Offers of Works-In-Kind and Other Material Public Benefits

The value of works offered as works-in-kind is the attributable cost of the works (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan.

The attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under this plan.

The value of any other kind of material public benefit will be determined by a process agreed to between Council and the person making the offer at the time the development application is being prepared and having regard to Council's Planning Agreements Policy.

### 2.7.4 Dedication of Land in Part or Full Satisfaction of a Contribution Required Under this Plan

Subject to prior written agreement with Council, land may be dedicated in lieu of making a contribution towards the acquisition of land required under this plan.

Council will only accept land dedication where that land is of a suitable nature for the purpose for which it is being dedicated. All land to be dedicated 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 in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

### 2.7.5 Temporary Works

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 of the particular applicant, except where any part of them forms part of a work identified in this contribution plan (in which case that part will be treated as works in kind).

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

## 2.8 Planning Agreements

A developer may make an offer to enter into a planning agreement with Council (or another consent authority, where applicable) in lieu of having contributions applied under this plan. Offers should be made in writing prior to the lodgement of a development application. If practicable, the agreement should be advertised as part of and contemporaneously with, and in the same manner as, advertising of the development proposal and executed prior to the granting of development consent.

If this is not practicable, the terms of the agreement must be reflected in a condition of consent and the agreement must be advertised and executed in accordance with the agreed terms as soon as practicable after the issue of development consent.

Developers considering entering into a planning agreement must have regard to Council's Planning Agreements Policy (available on Council's website) and Part 5B Division 4 of the EP& A Act.

## 2.9 Timing of Payment

Council's policy in relation to the timing of payments of monetary contributions required under this plan is as follows:

- **development applications involving subdivision:** prior to the release of the subdivision certificate (linen plans);
- **development applications involving building work:** prior to the release of the construction certificate;
- **development applications where no subdivision or building approval is required:** prior to the commencement of the use;
- **complying development works:** prior to the issue of a complying development certificate.

## 2.10 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.

## 2.11 Exemptions

Council will only exempt development from the payment of monetary contributions levied under this plan in accordance with a direction issued by the Minister under Section 94(e) of the EP&A Act. See the NSW Department of Planning's website for a list of section 94(e) directions relevant to Wyong Shire.

For development proposed by the Crown as a private developer (e.g. Landcom subdivision of land), contributions will be applied in the same manner as they would be for a private development.

For developments proposed 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.

## 2.12 The Review Process

This plan will be reviewed at regular intervals and may be revised if the extent or nature of the proposed development varies and these variations lead to a change in the demand for community infrastructure.

Review/revision of this plan is to ensure that:

- this plan remains financially sustainable;
- this plan continues to address the other infrastructure needs generated by new development;
- the community infrastructure will be delivered in a reasonable time; and
- that contribution rates remain reasonable over time.

Matters to be addressed may include (but not necessarily be limited to) the following:

- changing estimates of the costs of the infrastructure items;
- adjusting estimated costs to completed costs for completed community infrastructure; and
- review of the need for community infrastructure demanded by development.

Review, amendment and updating of this plan (except for the types of amendments specified in clause 32(3) of the EP&A Regulation) will require preparation and public exhibition of a new contributions plan.

**Table 8 Plan Amendments**

Date	Nature of Revision
	No previous versions

## 2.13 Accounting and Management of Funds

### 2.13.1 Accounting Standards

Council is, and will continue to be, compliant with current legislation and accounting standards.

### 2.13.2 Contributions Register

Council is required to comply with a range of financial accountability and public access to information requirements in relation to development contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at Council's administration office. Some of this information is also available on Council's website.

### 2.13.3 Accounting Treatment

Council keeps a Development Contributions Register which is prepared in accordance with, and meets the requirements of, Sections 35 and 36 of the EP&A Regulation.

Information relating to Development Contributions is contained in Note 17 of Council's Annual Financial Statements and complies with Clause 35(3) of the EP&A Regulation and the reporting requirements of the Department of Premier and Cabinet, Division of Local Government.

#### 2.13.4 Treatment of Funds held by Council prior to the Commencement of this Plan

Council did not hold any development contributions funds for the WTC prior to the commencement of this plan. Income for district open space and community, cultural and social facilities is currently held within other development contributions plans

#### 2.13.5 Pooling of Contributions

To provide a strategy for the orderly delivery of community infrastructure, this plan authorises monetary 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 development contributions plan approved by Council;

to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the relevant works schedules in **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.

### 2.14 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 development contributions.

## 3 Land Budget and Projections

This section is intended to provide basic information that is used to apportion the cost of works and land. The Land budget enables the net developable area (NDA) to be determined. The dwelling yields and occupancy rates are used to generate population projections.

### 3.1 Occupancy Rates

The use of occupancy rates for different types of dwellings that are to be erected and occupied in the future is an imprecise science. While existing census data can be used as a guide to determine suitable occupancy rates, care needs to be given to ensure that they are reflective of new development.

The following table provide a rationale for determining the occupancy rates that his plan has assumed: for residential development having regard for limitations and application of 2011 Housing & Population Census:

**Table 9 Adopted Occupancy Rates**

Unit Size	Assumed Occupancy Rate	No. of Development Units	Basis for the Assumed Occupancy Rates
1 bedroom residential unit	1.30	0.42	No one bedroom units exist in the Warnervale-Wadalba Statistical Area to provide a guide on a suitable occupancy rate. The 2011 occupancy rate for 1 bedroom units in multi-dwelling developments in Wyong Shire in 2011 was 1.17 persons per unit, which are likely to be skewed towards older and smaller units. A higher occupancy rate is considered to apply to the WTC for prospective 1 bedroom units given industry trend towards larger and better designed 1 bedroom units, 1.3 persons per unit considered appropriate.
2 bedroom residential unit	1.70	0.55	The occupancy rate for 2 bedroom units in multi-dwelling developments in Warnervale-Wadalba Statistical Area in 2011 is 1.41 persons per unit. This is lower than the Shire rate and is likely to reflect the significant number of age care units in the area. This occupancy rate for 2 bedrooms units for the whole of the Wyong Shire is 1.57 persons per dwelling. It is considered that this should be the basis of the occupancy rate for the Warnervale Town Centre with a contingency for larger and better designed units.
3 bedroom residential unit	2.60	0.84	The occupancy rate for 3 bedroom units in multi-dwelling developments in Warnervale-Wadalba Statistical Area in 2011 was 2.23 persons per dwelling. The occupancy rate for the terrace houses two storeys or over within this group was 3.63 persons per dwelling. It is considered that the suitable occupancy rate for prospective 3 bedroom units in the WTC should be skewed towards the the two storey and over terrace house rate. An average occupancy rate of 2.6 is considered reasonable for new developments in the WTC.
4 bedroom residential unit / residential allotment	3.10	1.00	Insufficient four bedroom units exist in the Warnervale-Wadalba Statistical Area to give a guide on a suitable occupancy rate. The occupancy rate for 4 bedroom units in multi-dwelling developments in Wyong Shire in 2011 is 3.04 persons per unit. This rate is close to the 2011 rate for 4 bedroom dwellings on separate lots in the Warnervale-Wadalba Statistical Area, which is 3.10 persons per dwelling. It is considered that 3.10 persons per ha is a suitable rate to assume for 4 bedrooms units and/or a residential allotment.
5 or more bedroom residential unit	1 person per total bedroom minus one	Proportional	

The 2011 Census information referred to in this table is provided in **Appendix D**.

### 3.1 Land Budget

The land budget for the Warnervale Town Centre (WTC) is provided in **Table 10**, and should be read in conjunction with **Figure 3**, which is based on the Warnervale Town Centre Development Control Plan (WTC DCP).

**Table 10 Land Use Budget Summary**

Land Use	Zone	NDA Area (ha)	% of Total Site Area
Residential <sup>1</sup>	R1	38.481	
Business Z <sup>2</sup>	B2	7.585	
Business 4	B4	6.371	
<b>Total NDA</b>		<b>52.436</b>	<b>43.8%</b>
Recreation	RE1	12.069	10.1%
Environmental buffer	E2	12.700	10.6%
Environmental	E3	1.209	1.0%
School	SP1	7.758	6.5%
Railway	SP2	4.483	3.7%
<b>Total Zoned Area (excluding roads)</b>		<b>90.654</b>	<b>75.7%</b>
<b>Road Area</b>		<b>29.176</b>	<b>24.3%</b>
<b>Total Site Area</b>		<b>119.83</b>	<b>100.0%</b>

<sup>1</sup> Includes 1.338 ha super clinic.

In summary there is 52.436 ha of land zoned for residential, commercial, retail and bulky goods use (Zones R1, B2 & B4), which represents 43.8% of the total site.



Figure 3 Structure Plan



### 3.2 Projected Dwelling Yield and Population

The total number of dwellings, and population that can be accommodated in those dwellings, has been determined based on the developable land and assumptions about the residential housing mix and occupancy rates. These projections and the associated assumptions are provided in **Table 11**.

The DCP provides targets for residential use within the B2 and B4 zoned (precincts 5, 6a, 6b & 7a), which will likely be provided in multi-storey mix use buildings. Council has discounted the targets under the DCP in preference for more conservative having regard for the potential of non-residential uses to displace residential uses and the current residential market in this non-metropolitan location. **Table 12** provides a summary of the total number of dwelling types that are assumed. A total area of 4.7 ha of commercial zone land has been quarantined from any residential use, which includes 2.4 ha of the Woolworths site that is the subject of a Part 3A application.

### 3.3 Business Uses

The WTC will also accommodate up to 25,000m<sup>2</sup> of retail floor space, 8,000m<sup>2</sup> of bulky goods floor space and 15,000m<sup>2</sup> of commercial floor space according to the Draft DCP 2008. This plan assumes an additional 11,000 m<sup>2</sup> of unspecified non-residential land uses. It is likely that the bulk of this non-residential use will occur within Precinct 6a, with some spill over into the adjoining business zoned precincts.

**Table 11 Dwelling Yield and Population Projections**

Chapter 3

Land Budget and Population Projections

Precinct	Zoning	Area (ha)	Total NDA	Dwelling Types	Assumed Allocation of Land (%)	Allocated Areas (ha)	Dwell per ha Assumpt.	Resultant Dwellings	Occupancy Rate	Pop	Total Pop	% of Total Pop	Total Dwellings	Avg Dwelling per ha	
															Attached
Precinct 1 <sup>1</sup>	R1	6416	6416	Single Dwellings	70%	4491	18	81	3.02	244			158	25	
				Attached	30%	1925	40	77	2.51	193		438	12.2%		
Precinct 2	R1	13039	13039	Single Dwellings	70%	9127	18	164	3.02	497			321	25	
				Attached	30%	3912	40	156	2.51	393		890	24.7%		
Precinct 3	R1	10514	10514	Single Dwellings	70%	7360	18	132	3.02	401			259	25	
				Attached	30%	3154	40	126	2.51	317		717	19.9%		
Precinct 4	R1	3172	3172	Single Dwellings	70%	2221	18	40	3.02	121			78	25	
				Attached	30%	0952	40	38	2.51	96		216	6.0%		
Precinct 5 <sup>2</sup>	B2	1166	1166	Attached	60%	0700	40	28	2.51	70			61	52	
				Apartments	40%	0467	70	33	1.97	64		135	3.7%		
Precinct 6a <sup>3</sup>	B2	2941	2941	Attached	60%	1764	40	71	2.51	177			153	52	
				Apartments	40%	1176	70	82	1.97	162		339	9.4%		
Precinct 6b	B4	3259	3259	Attached	60%	1955	40	78	2.51	196			169	52	
				Apartments	40%	1304	70	91	1.97	180		376	10.5%		
Precinct 7a	B4	1838	1838	Attached	60%	1103	40	44	2.51	111			96	52	
				Apartments	40%	0735	70	51	1.97	101		212	5.9%		
Precinct 7b	R1	4001	4001	Single Dwellings	70%	2801	18	50	3.02	152			98	25	
				Attached	30%	1200	40	48	2.51	121		273	7.6%		
<b>TOTAL</b>		<b>46346</b>	<b>46346</b>			<b>46346</b>		<b>1,392</b>		<b>3,596</b>		<b>3,596</b>	<b>100%</b>	<b>1,392</b>	

<sup>1</sup> Precinct area excludes 1,338 ha Superlink site

<sup>2</sup> The precinct area excludes the 2,425 ha Moorlewis site

Note: It is assumed that the 20% of the remaining business zones NDA will not be available for residential use i.e. 2.3 ha

**Table 12 Summary of Dwelling Types**

Dwelling Type	No of Dwellings	% of Total Dwellings	Occupancy Rate	Population
Single dwellings	468	33.6%	3.02	1,415
Townhouses / attached	667	47.9%	2.51	1,673
Apartments	258	18.5%	1.97	508
<b>TOTAL</b>	<b>1,392</b>	<b>100.0%</b>		<b>3,596</b>

The projected population is a function of the projected dwellings and the applicable occupancy rates. The assumed occupancy rates used in Table 11 have been determined by utilising assumed occupancy rates for dwelling types with different sizes. The rationale for these occupancy rates is provided in **Appendix E**.

## 4 Facilities and Infrastructure

The net developable area with the Warnervale Town Centre (WTC) as outlined in **Table 11** indicates that there will be 1,400 dwellings accommodating a population of approximately 3,600.

Prior to the commencement of development within the WTC, the public infrastructure that existed was minimal and in keeping with the area's historic role as a rural area with sections of remnant native vegetation. The only community infrastructure project delivered to date is the signalised intersection of Sparks Road and Minnesota Road, which provides safe access to Mary MacKillop Catholic College.

Development in the WTC, and the population that will occupy such development, can only be sustained by a significant investment in the provision, extension and augmentation of facilities and infrastructure. Council has identified that the expected development will generate increased demands for the types of community infrastructure listed in **Table 13**.

**Table 13 Identified Facilities and Infrastructure**

Community Infrastructure Category	Community Infrastructure Required
Open Space and Recreation	<ul style="list-style-type: none"> <li>▪ Land for open space and recreation facilities</li> <li>▪ Small local parks</li> <li>▪ Large local parks</li> <li>▪ Contribution towards sports fields and multipurpose courts (existing &amp; proposed)</li> <li>▪ Cycleways and pedestrian access ways</li> <li>▪ Multi-purpose drainage / open space / environmental conservation area</li> </ul>
Community, Cultural and Social	<ul style="list-style-type: none"> <li>▪ Land for community, cultural and social facilities</li> <li>▪ Contribution towards library / community centre</li> <li>▪ Indoor Recreation Centre</li> </ul>
Roadworks and Traffic Management	<ul style="list-style-type: none"> <li>▪ Land for roads and traffic management facilities</li> <li>▪ Construction of full roads through open space areas and half road along the railway line side of development</li> <li>▪ Intersection treatments, including roundabouts and traffic signals</li> </ul>
Stormwater Management	<ul style="list-style-type: none"> <li>▪ Land for stormwater management facilities</li> <li>▪ Stormwater management facilities (active storage &amp; detention basins)</li> <li>▪ Local and regional stormwater transfer pipeline and pumps</li> </ul>
Studies and Investigations	<ul style="list-style-type: none"> <li>▪ Studies &amp; Investigations into various impacts reports and concept designs</li> </ul>
Contributions Plan Administration	<ul style="list-style-type: none"> <li>▪ Staff and resources to administer the contributions plan</li> <li>▪ Studies, land valuations and reviews</li> </ul>

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Council considers it appropriate that the development requiring this infrastructure make a reasonable contribution toward the provision of it. The costs and programs of works relating to this infrastructure were derived from investigations listed in **Appendix B** of this plan.

Discussion and more detail on:

- the future demand for community infrastructure;
- the relationship of the infrastructure with the expected development;
- the strategies for the delivery of the infrastructure; and
- the calculation of reasonable development contributions

are included in the following sections.

## 4.1 Open Space and Recreation Facilities

Development of the WTC will generate a residential, commuter and visitor population that require good access to developed/embellished open space that provide a broad range of recreation and leisure opportunities. There are no existing developed open space or recreation facilities within the WTC that can provide for any of the open space needs of prospective users.

Open space and recreation facilities identified in this plan reflect the requirements of the WTC DCP 2012 and the principles of the Wyong Open Space Principles Plan, the Wyong Local Parks Strategy and the Recreation Facilities Strategy.

The open space system proposed for the WTC is made up of interlinked components that may have differing objectives. They provide a range of recreation and leisure functions and settings for the community which may be overlapping on the same site. Open space will support social engagement, play, incidental exercise, movement and organised recreation and passive recreation in a vibrant and safe public domain.

Open space will protect and conserve biodiversity, visual and physical amenity. It will also provide settings and peripheral treatments for the Water Sensitive Urban Design management and harvesting of Urban Stormwater runoff.

Social Open Space is a key support to the suite of community facilities planned for the WTC. Opportunities will be sought to integrate public art in all Open Space. There will be consistent high quality design and embellishment in public areas throughout the WTC.

The components of Open Space needs that have been identified are listed as follows:

### **District Open Space (incorporating Local Open Space functions within them)**

This form of open space provides key activity areas developed to a high level and scale to accommodate organised sport, intensive recreation and passive leisure activities by larger recreation numbers and groups, sporting participants and the users of the shopping centre.

District Open Space includes the following facilities:

- Civic Square;
- District Sporting Fields and Courts (north of Sparks Road);
- Hilltop Park is an Urban Park developed to a high standard.

### **Local Open Space**

This form of open space is developed to a level and scale that accommodates recreation and leisure activities by smaller groups and located to be accessible to the residents of the precinct they are located in. The primary purpose of local open space is to support and encourage social cohesion and engagement of local residents. This form of open space includes the following:

- Smaller Local Parks in each distinct area of the WTC;
- Contribution to the District Sporting Fields and Courts.



### Nodal and Linear Parks (function partially as Local Open Space and other Open Space)

This form of open space is identified to satisfy objectives such as ecological values, water treatment, visual quality and asset protection but also have a recreation role. Because of their location, shape, physical attributes and amenity they will attract leisure use and movement.

This form of open space includes the following:

- Riparian Corridor;
- Ridge Top Parks;
- Asset Protection Zones;
- Landscaped Buffers.

#### 4.1.1 Open Space Components

A description of each component is provided below. **Figure 4** shows the location of open space within the WTC.

- 1 The **Civic Square** will be intensively developed to provide a high quality and high amenity setting for intensive use for a variety of civic, community and retail purposes.
- 2 & 3 The **Ridge Top Parks (Ridge Park East & Ridge Park West)** will be developed to provide play, resting, leisure and interpretive opportunities for users in nodal areas of recreation development within the treed ridgeline parcel and linked by a corridor pathway system. They will be developed with an intensive core recreation area on flatter, cleared areas and planted areas on the steeper perimeter slopes.
- 4 The **Hill Top Park** is located centrally to the WTC and will be developed to provide play opportunities for a wide range of ages and abilities. The estimated costs of embellishing Hill Top Park are itemised in **Appendix F**.

This park will have a district focal point that will be developed to accommodate large numbers of people for intensive recreation use. This facility is needed to cater for the residents of WTC, which is proposed to be developed at much higher densities that exist or are likely to exist in the surrounding suburbs. The proposed dwelling density within the WTC will result in minimal or no private open space attached to dwellings for a substantial percentage of the dwelling stock, with a corresponding increase in the demand for public open space and recreational opportunities. Notwithstanding this need, it is appropriate that some contribution be made when Precinct 7A to the south is developed as per the following Table:

It will also retain tall canopy trees to provide a treed silhouette from Sparks Road. It provides an essential recreation facility.

**Table 14 Apportionment of Hill Top Park**

Apportionment Areas	Projected Population	% of Population	Area of Park to be Provided	LAND COST (Indexed to July 2012)	EMBELLISHMENT COST (Indexed to July 2012)	Total Costs
WTC	3,600	47.4%	2.15	\$802,895	\$1,826,120	\$2,629,015
7A Precinct (4,000 existing +500 proposed)	4,000	52.6%	2.38	\$892,105	\$2,029,022	\$2,921,127
<b>TOTAL</b>	<b>7,600</b>	<b>100.0%</b>	<b>4.53</b>	<b>\$1,695,000</b>	<b>\$3,855,142</b>	<b>\$5,550,142</b>

Note: Hill Top Park has total area of 4.53 ha - see Plan attached to Valuation D03137912

- 5 Council has provided 3 **local playing fields** (with courts) complexes in advance of development in the adjoining suburbs of Wadalba, Woongarra and Hamlyn Terrace. Council has expended a total of \$9.9 M (indexed) purchasing the subject sites and \$19.1 M (indexed) on providing a high standard of playing field and court facilities. No local playing fields are proposed within the WTC and thus the future residents will use the existing facilities beyond the WTC that are located in reasonably close proximity for these types of facilities. It is reasonable that the cost of these facilities should be apportioned over the projected population of the Greater Warnervale area.

**Table 15 Apportionment of Existing Playing Fields**

Apportionment Areas	Projected Population	% of Population	Area of Playing Fields Provided	LAND COST (Indexed to July 2012)	EMBELLISHMENT COST (Indexed to July 2012)	Total Costs
WWAHT <sup>1</sup>	16,000	67.8%	13.14	\$6,751,479	\$12,925,307	\$19,676,786
WTC	3,600	15.3%	2.96	\$1,519,083	\$2,908,194	\$4,427,277
7A Precinct (4,000 existing +500 proposed)	4,000	16.9%	3.28	\$1,687,870	\$3,231,327	\$4,919,196
<b>TOTAL</b>	<b>23,600</b>	<b>100.0%</b>	<b>19.38</b>	<b>\$9,958,432</b>	<b>\$19,064,828</b>	<b>\$29,023,259</b>

<sup>1</sup> WWAHT - Wadalba, Woongarra & Hamlyn Terrace

- 6 The **District Sporting Fields Facility** will provide the opportunity for organised sport and active recreation to serve the WTC and as a focal point for the Warnervale District. It is proposed that a 12 ha District Playing Fields Facility will be provided. As with the local playing fields, it is reasonable that the cost of the facility be apportioned on the same basis:

Council has already provided playing fields for the existing population of Warnervale Village and the pre-development populations within the WWAHT through the provision of the Warnervale Athletics Fields.

**Table 16 Apportionment of District Playing Fields**

Apportionment Areas	Projected Population	% of Population	Area of Playing Fields to be Provided	LAND COST (Indexed July 2012)	ACQUISITION COST (Indexed July 2011)	EMBELLISHMENT COST (Indexed July 2012)	Total Costs
August 2011 Robertson & Robertson - per m <sup>2</sup>				\$61.92			
2012 WSC Open Space Unit						\$75.00	
<b>WWAHT</b>	16,000	67.8%	8.14	\$5,065,931	\$81,356	\$6,139,233	\$11,286,520
<b>WTC</b>	3,600	15.3%	1.83	\$1,139,834	\$18,305	\$1,381,327	\$2,539,467
<b>7A Precinct</b> (4,200 existing +550 proposed)	4,000	16.9%	2.03	\$1,266,483	\$20,339	\$1,534,808	\$2,821,630
<b>TOTAL</b>	<b>23,600</b>	<b>100.0%</b>	<b>12.00</b>	<b>\$7,472,248</b>	<b>\$120,000</b>	<b>\$9,055,369</b>	<b>\$16,647,617</b>

- 7 While the **Riparian Corridor** is identified as open space, its principal purposes are for drainage and the protection of environmental values. The Riparian corridor has no intrinsic development values and will be required to be dedicated as part of adjoining development at no cost to Council.

While there will be some recreational values associated with the riparian corridor, these are offset by the whole-of-life costs associated with developing, managing and maintaining the environmental values, drainage functions and the peripheral pathways in a manner that minimise the impacts of leisure use and movements through the Corridor.

- 8 **Heath Wrinklewort Reserve** located on the western side of the Railway corridor contains native vegetation that has a high conservation value. This vegetation precludes the development of this land. This land is not an area that will be purchased under this Contributions Plan.

**Table 17 Open Space Land**

Item No.	Description	Area (ha)	Owner at Time Plan Preparation	Valuation Source	Base Rate per Hectare	Base Land Value	Base CPI	Indexed Costs (July 2012)	Acquisition Costs	Total Land Costs
1	Civic Square	0.27	Private	MJD Valuers (19 May 2010) - Site 18	\$2,650,000	\$715,500	170.5	\$754,947	\$20,000	\$774,947
2	Ridge Park East	3.23	Private	MJD Valuers (19 May 2010) - site 5	\$500,000	\$1,617,280	170.5	\$1,706,444	\$40,000	\$1,657,280
3	Ridge Park West	1.47	Minister for Environment & Planning	MJD Valuers (19 May 2010) - site 6	\$450,000	\$659,257	170.5	\$695,603	\$20,000	\$679,257
4	Hill Top Park (50% apportionment)	2.15	WSC	MJD Valuers (19 May 2010) - site 8 updated advice Sept 2012	Varies	\$802,895	179.9	\$802,895	Already acquired	\$802,895
5	WWAHT Playing Fields Recoupment (16.3% apportionment)	2.96	WSC	Indexed Expenditure	N/A	\$1,519,083	179.9	\$1,519,083	Already acquired	\$1,519,083
6	12 ha District Sporting Fields (16.3% apportionment)	1.83	Private	Robertson & Robertson (August 2011)	\$619,226	\$1,139,834	179.9	\$1,139,834	\$18,305	\$1,139,834
7	Riparian / Drainage Corridor	5.19	WSC/Private		To be dedicated at no cost					
8	Heath Windlewort Reserve	8.18	Minister for Environment & Planning		To be dedicated at no cost					
	<b>Total</b>	<b>25.28</b>								<b>\$6,573,296</b>

\* MJD Valuers Report (19 May 2010) - D02271120

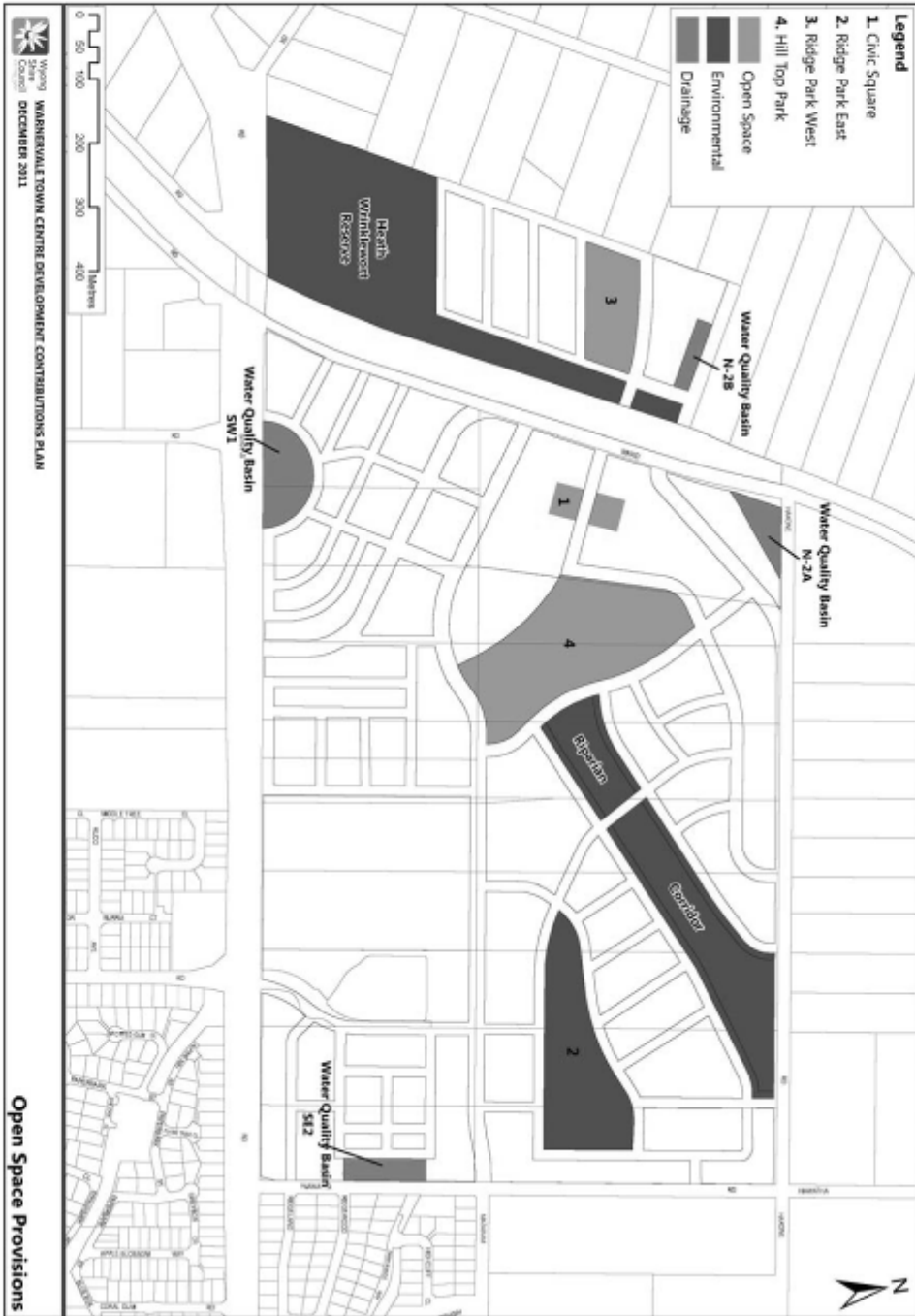
**Table 18 Open Space Embellishment**

Item No.	Description	Area (ha)	Owner at Time Plan Preparation	Base Embellishment Rate per m <sup>2</sup>	Base Costs	Base CPI	Indexed Embellishment Costs (July 2012)
1	Civic Square	0.27	Private	\$200	\$540,000	178.8	\$543,322
2	Ridge Park East	3.23	Private	\$45	\$1,455,552	178.8	\$1,464,507
3	Ridge Park West	1.47	Minister for Environment & Planning	\$45	\$659,257	178.8	\$663,313
4	Hill Top Park (50% apportionment)	2.15	WSC	var	\$1,826,120	179.9	\$1,826,120
5	WWAHT Playing Fields Recoupment (16.6% apportionment)	2.96	WSC	n/a	\$2,908,194	179.9	\$2,908,194
6	12 ha District Sporting Fields (16.6% apportionment)	1.83	Private	\$75	\$1,372,881	178.8	\$1,381,327
7	Riparian / Drainage Corridor	5.19	WSC / Private	To be dedicated at no cost			
8	Heath Wrinklewort Reserve	8.18	Minister for Environment & Planning	To be dedicated at no cost			
	<b>Total</b>	<b>25.28</b>					<b>\$8,786,783</b>

It is difficult to provide a definitive time table for the establishment of the open space areas with the WTC. However, it is recognised that these should be generally provided as early as possible within the development process to ensure that open space and recreational needs of the new community are met.

The location of the open space is provided in **Figure 4**.

Figure 4 Open Space Provisions



### 4.1.2 Open Space Provision

The *Wyong Open Space Plan* identified a minimum open space standard of 3 hectares per 1,000 residents. This standard is primarily focus on areas that provide informal and formal active open space areas and is generally exclusive of environmental areas that may provide some residual passive recreational opportunities.

On this basis 10.8 ha of open space is required to be provided for the projected population of the WTC.

**Table 19 Open Space Standard**

Open Space Standard (ha per 1000 persons)	3.0 ha
Projected Population	3,600 persons
Open Space required to meet standard	10.80 ha

The proposed provision of open space within the WTC is only marginally higher than the standard, with a provision rate of 3.31 ha per 1,000 persons, although there are significant areas within the parks that will only provide passive recreational opportunities that should be discounted for the purpose of this assessment. In the circumstances the open space provision is reasonable.

**Table 20 Open Space Provision**

Recreational Category	Area Type	Area Details	Provided	Planned	Total Area Type	Category Total	% of Total	Total Excluding Natural Areas	Provision by Category Excluding Natural Areas
Assumed Population	3,600		ha	ha	ha	ha		ha	area per 1000 people (ha)
<b>Completely Passive</b>	Natural Areas	Riparian Corridor, Heath Wrinklewort Reserve		13.37	13.37	13.37	52.9%		
<b>Passive &amp; Informal Active</b>	Parks	Civic Square, Ridge Park East, Ridge Park West		4.97	4.97	7.12	28.1%	7.12	1.98
	Large parks	Hill Top Park		2.15	2.15				
<b>Formal Active</b>	WWAHT Fields & Courts F1, F2, F3	Area apportioned to WTC	2.96	0.00	2.96	4.79	18.9%	4.79	1.33
	District fields	Area apportioned to WTC		1.83	1.83				
<b>Total</b>			2.96	22.32	<b>25.28</b>	25.28	100.0%	11.90	<b>3.31</b>

### 4.1.3 Non-Residential Apportionment

The total cost of open space land, embellishment and recreation facilities attributable to development in the WTC will be apportioned between residential development and non-residential development. The cost is apportioned between residential and non-residential on a ratio of 90:10. The 90% residential component will be apportioned on the basis of the projected residential population and the balance apportioned to non-residential development on the basis of vehicle trip generation.

**Table 21** illustrates the apportionment of the costs between the assumed residential and non-residential development.

Open space contributions are being levied on non-residential uses in recognition that there will be significant benefits derived from the provision of such open space and recreational amenities for businesses. These benefits are associated with the future use of open space land and amenities by employees and commercial patrons that reside elsewhere. This applies in particular to the civic square and Hilltop Park that provide a direct amenity to employees and patrons.

**Table 21 Apportionment between Residential and Non Residential Uses**

	% Apportion-ment	Total Land Costs	Total Embellishment Costs
<b>Residential Development</b>	90%	\$5,915,966	\$7,908,105
<b>Non-residential Development</b>	10%	\$657,330	\$878,678
<b>TOTAL</b>	100%	\$6,573,296	\$8,786,783

#### 4.1.4 Calculation of the Contribution Rate

##### Residential Development (NDA)

Residential development within the R1 Residential zone (precincts 1, 2, 3, 4 & 7b) will be levied on a NDA basis, while residential development in the B2 & B4 zones (precincts 5, 6a, 6b & 7a) will be levied on a DU basis.

The determination of the Precinct NDA rate for **open space land, embellishment & recreational facilities** and the monetary contribution payable for a development is as follows:

$$\text{Cost}_{\text{prec}} (\$) = \text{Cost}_{\text{total}} \times \frac{\text{Pop}_{\text{prec}}}{\text{Pop}_{\text{total}}}$$

$$\text{Contrib}_{\text{nda}} (\$) = \frac{\text{Cost}_{\text{prec}}}{\text{NDA}_{\text{prec}}}$$

$$\text{Contrib}_{\text{total}} (\$) = \text{Contrib}_{\text{nda}} \times \text{Area}_{\text{dev}}$$

Where:

**Cost<sub>prec</sub>** is the total cost of open space (land & works) attributable to the projected residential population for the selected precinct

**Cost<sub>total</sub>** is the total cost of open space (land & works) attributable to residential development in the WTC

**Pop<sub>prec</sub>** is the total projected residential population for the selected precinct



**Pop<sub>total</sub>** is the total projected residential population for the WTC

**Contrib<sub>nda</sub>** is the total contribution payable in the selected precinct for open space (land & works) for one hectare of net developable area proposed to be developed

**NDA<sub>pre</sub>** is the Net Developable Area within the selected Precinct

**Contrib<sub>total</sub>** is the total contribution payable in respect to a development proposal

**Area<sub>dev</sub>** is the area proposed to be development in hectares

**Table 22** applies the formulas above to calculate the contribution rate for open space land and open space embellishment on a per hectare rate for each precinct.

**Table 22 Contributions for Open Space Land and Embellishment (NDA)**

Precinct	Total Population	% of Total Population	NDA	Apportionment of Land Costs	Contribution Rate per Ha of NDA Rate for Land	Apportionment of Embellishment Costs	Contribution Rate per Ha of NDA for Embellishment
Precinct 1	438	12.17%	6,416	\$720,130	\$112,236	\$962,626	\$150,030
Precinct 2	890	24.74%	13,039	\$1,463,397	\$112,236	\$1,956,180	\$150,030
Precinct 3	717	19.95%	10,514	\$1,180,070	\$112,236	\$1,577,446	\$150,030
Precinct 4	216	6.02%	3,172	\$356,055	\$112,236	\$475,953	\$150,030
Precinct 7b	273	7.59%	4,001	\$449,069	\$112,236	\$600,288	\$150,030
<b>Sub Total</b>	2,534	70.47%	37,143	\$4,168,721	<b>\$112,236</b>	\$5,572,493	<b>\$150,030</b>
<b>Sub Total - Precincts 5, 6a, 6b &amp; 7a</b>	1,062	29.53%	9,204	\$1,747,246		\$2,335,612	N/A
<b>Total</b>	3,596	100%	46,346	\$5,915,966		\$7,908,105	