



MOUNT VIEW ROAD MILLFIELD PRECINCT

**SECTION 94
CONTRIBUTION PLAN 2011**

Mount View Road Millfield Precinct Section 94 Contributions Plan 2011
Produced by:
Strategic Planning Section
Cessnock City Council
PO Box 152, Cessnock 2325

Phone: +61 2 49934100
Fax: +61 2 49934200
Email: council@cessnock.nsw.gov.au

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EXECUTIVE SUMMARY

i. Background

Section 94 of the Environmental Planning and Assessment Act 1979 enables Council to levy contributions from development for the provision of public services and amenities, required as a consequence of that development. Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

For Council to levy contributions under Section 94 there must be a clear nexus between the proposed development and the need for the public service or amenity for which the levy is being required as detailed in the provisions of this Plan.

ii. Future Development

Mount View Road Millfield Precinct is adjacent to residential development in Millfield and is approximately 5 kilometres from the Cessnock City Centre. It has been identified as a Release Area in the City Wide Settlement Strategy.

The Mount View Road Millfield Precinct, development area involves approximately 164 lots (159 additional) which is anticipated to house approximately 398 people over a 10 to 15 year timeframe. For the purposes of apportionment calculations in this Plan a 15-year timeframe has been adopted. The following table identifies the catchments used in this Plan and summarises the population growth (by catchment) expected as a result of the development on both the subject land and elsewhere in the LGA:

Catchment	2006 Census population	Estimated 2011 population	Estimated 2026 population	Development growth as percentage of catchment
Millfield and surrounds	557	585	983	40%
Cessnock District Catchment	23,600	24,780	29,264	1.36%

Where the need for infrastructure only arises as a result of the development and the provision thereof essentially only services future residents of the development area, the provision of such infrastructure will be 100% apportioned to new population.

Technical / background studies have been undertaken to accurately determine the range of road and traffic infrastructure that will be needed to meet the demands of the new Precinct population over the life of this Plan. Demand for services such as community, recreation, open space and sporting facilities have been determined having regard to existing Council standards and accepted practices. This demand forms the basis of levying contributions on new development as set out in the Plan.

iii. Services and Amenities

The future population stemming from new development in the Mount View Road Millfield Precinct will result in the need for new and/or augmented infrastructure and services. In accordance with this Plan, the facilities for which Council will require Mount View Road Millfield Precinct development contributions include the following:

- Road, Traffic, Drainage and Stormwater Management works;
- Community Facilities;
- Open Space, Recreational, Sporting Facilities.

New development will also generate the need for planning, administration and management activities associated with this Contributions Plan, in order to regularly review and update the identified works and manage the future provision of infrastructure.

iv. Structure of the Plan

This Plan is arranged into a summary and 5 sections:

Executive Summary: a summary of the essential components of the Plan, including summaries of the actual contribution rates

Section 1 – Introduction: outlines the purpose and area to which the Plan applies

Section 2 – Operation of the Plan: describes the way in which the Plan applies and the timing of payments

Section 3 – Administration of the Plan: describes the management and administration of the Plan

Section 4 – Strategy Plans: provides the details of each category of public services and amenities in the Plan, including details of the nexus, catchments, standards of provision required, what will be provided and when, apportionment and calculation of contributions

Section 5 – Supporting Documentation: Information which supports the contents of the Plan, including key demographic data and works schedules.

v. Summary of Contributions Rates (Indexed to 1 December 2014)

The following is a summary of Development Contribution rates for the Mount View Road Millfield Precinct:-

CONTRIBUTION TYPE	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling or Per Lot
Open Space Recreational Sporting Facilities	\$ 1,596.85	\$ 2,395.28	\$ 3,193.70	\$ 3,992.13
* Dedication of Land (m2)	12.2	18.9	25.2	31.5
Community Facilities	\$ 1,307.78	\$ 1,962.21	\$ 2,615.57	\$ 3,270.00
Road and Traffic Facilities	\$ 1,032.69	\$ 1,549.57	\$ 2,065.38	\$ 2,582.26
Plan Management Administration	\$ 131.10	\$ 196.65	\$ 262.20	\$ 327.75
TOTAL	\$ 4,068.42	\$ 6,103.71	\$ 8,136.85	\$ 10,172.13

* see Section 3.5 Land Values

SECTION 1 – INTRODUCTION

1.1 Name of the Plan

This Plan is referred to as the **Mount View Road Millfield Precinct Section 94 Contributions Plan 2011**.

This Contributions Plan has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, as amended, the Environmental Planning and Assessment Regulation 2000, the Department of Planning and Infrastructure's Development Contributions Practice Notes, 2005 and relevant Ministerial Directions and Department of Planning and Infrastructure Circulars and Guidelines.

1.2 Commencement of Plan

This Contributions Plan takes effect on XX XX 2011. Rezoning applications (for the purposes of planning agreements), Development Applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan.

1.3 Purpose of the Plan

The primary purpose of this Plan is to authorise the levying of contributions that will assist Council to provide quality public services and amenities to meet the needs of incoming residents in the Mount View Road Millfield Precinct as a result of proposed development. The Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be, required as a consequence of this development.

The contribution may involve the dedication of land free of cost, or the payment of a monetary contribution, or both.

Other purposes of this Plan are to:

- provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the provision of public services and amenities on an equitable basis;
- identify the additional services and amenities required to meet the demands of the incoming population at Mount View Road Millfield Precinct;
- provide an adequate level of public services and amenities to meet development demands within a reasonable time, as development occurs and at a reasonable cost, without unduly impacting on the affordability of the proposed development.
- ensure that the development contributions are based on reasonable estimates of cost;
- ensure that the existing community is not unduly burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development in the Cessnock LGA, and that there is a reasonable apportionment of cost between existing demand and new demand for public infrastructure provided by Council.
- ensure that contributions are fair and reasonable.

1.4 Area to Which the Plan Applies

This Contributions Plan applies to all land within the Mount View Road Millfield Precinct Release Area in the Cessnock Local Government Area as illustrated in Figure 1.



Figure 1

Mount View Road, Millfield Contribution District

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change and should be verified with Cessnock City Council

The subject site includes five (5) land parcels, which are: Lots 44 and 45 DP 843879, Lot 12 DP 633395, Lot 5 DP 790027 and Lot 1 DP 430540.

1.5 Types of Development to which this Plan applies

This Plan applies to any development permissible with consent under the LEP on the land to which the Plan applies that in the Council's opinion will result in an increase in demand for the public services and amenities included in this Plan.

Note: "development" referred to in this clause has the same meaning as shown in section 4 the Environmental Planning and Assessment Act 1979.

Where a development contribution has been paid for the subdivision of land in accordance with the provisions of this Plan, unless subsequent construction works increase the intensity of use, further contributions will not be required.

1.6 Seniors Living and Housing for People with a Disability

All new development, including housing for seniors and people with disabilities, intensifies the use of the existing resources and adds incrementally to the demand for public amenities and services. Older people with disabilities enjoy the current provision of open space and are one of the major users of parkland areas.

Older people and people with a disability also use public libraries or receive visits from the mobile library service. Many attend gatherings, functions and meetings in Councils facilities.

Further development of any sort within the catchment areas to which the Plan applies will lead to an increase in stormwater runoff and will generate demand on the road works and traffic management facilities.

It is therefore reasonable for Council to levy contributions on all development within the area, including housing built under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. However, Council may consider an application to discount or exempt the development from contributions. Applicants seeking Council's acceptance of such an arrangement must be able to demonstrate to the satisfaction of Council there are onsite facilities sufficient to reduce the demand on offsite public services or amenities which would be funded through the provisions of this Plan. Council will consider the merits of the application, including the potential social and financial implications, and the ability of the proposed facilities to meet the demand of the incoming residents. The applicant will need to initiate action by applying to Council in writing, including full details and plans for the facilities to be provided. The acceptance of an application will be at Council's absolute discretion.

1.7 Other development not specified in the Plan

This Plan envisages predominantly residential development of the subject land. There may however be other types of development not specified in this Plan that generates a need for new or augmented public services and amenities. In such instances the applicant may be requested to prepare a needs analysis for the development to determine the development contribution requirements. Council will work with the developer to have those requirements addressed to its satisfaction - for example, by way of amended DA plans or negotiation of a planning agreement.

1.8 Relationship to other Plans and Policies

- (i) This Contributions Plan identifies requirements for the Mount View Road Millfield Precinct Release Area.

(ii) Cessnock City Council has the following general Section 94 Plans in place:

- Residential Contributions Plan (August 2006).
- Tourism Contributions Plan (February 2007)
- Car Parking Contributions Plan (2001)

These plans do not apply to the Mount View Road Millfield Precinct Contribution area. .

(iii) This Plan should be read in conjunction with the Cessnock Local Environmental Plan 2011 and the Development Control Plan.

SECTION 2 – OPERATION OF THE PLAN

2.1 Method of Operation - Authorisation

In determining a development application to which this Plan applies, this Plan authorises the Council to impose a condition of consent requiring the payment of a monetary contribution and/or the dedication of land free of charge in accordance with the provisions of this Plan, or in lieu thereof accept the provision of a material public benefit or works in kind.

Prior to the issue of a Complying Development Certificate for development to which this Plan applies, the issuer of the certificate must impose a condition pursuant to this Plan if such condition may be imposed. In accordance with section 94EC of the Environmental Planning and Assessment Act, this Plan:

“(b) can only authorise the imposition by an accredited certifier of a condition under Section 94 that requires the payment of a monetary contribution,”

Complying Development Certificates wherein the developer may wish Council to consider land dedication, material public benefits or works-in-kind must be assessed and issued by Council.

2.2 Types of Contributions

There are a number of alternative methods of settlement of Section 94 developer contributions. These are as follows:

- Monetary contribution;
- Dedication of land;
- Material Public Benefit;
- Works in Kind.

Where a developer negotiates a material public benefit, works in kind, or the dedication of land in lieu of paying any part of the monetary contribution required under this Plan, the applicant must still pay Council's reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides for the Council to consider entering into a Voluntary Planning Agreement (VPA) at either a development application or when rezoning land. Public amenities and services delivered through a VPA may be in addition to or instead of the payment of a monetary contribution under Section 94.

2.2.1 Monetary contribution

This Plan identifies the monetary contribution required for the provision of public services and amenities, calculated on a per person, per dwelling (variable depending on dwelling size), or per lot basis. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

2.2.2 Dedication of land

This Plan authorises the Council to consent to the carrying out of development subject to a condition imposed under Section 94 of the Act, requiring the dedication of land free of cost to the Council.

Such a condition may be imposed where the land is reasonably required towards the provision, extension or augmentation of a public amenity or public service as particularised in the works schedule or reviewed works schedule accompanying this Plan, in order to meet the demands generated by development.

2.2.3 Works in Kind / Material Public Benefits

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a contributions plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process. Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine whether Council would agree to enter into such agreement and to establish Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. A MPB may include the provision of work that is not scheduled within a contributions plan. Council may accept the provision of a material public benefit that is not nominated in the works schedule, if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:

a) Offer made to the Council as part of a development application

If an applicant does not wish to pay a monetary Section 94 contribution in connection with the carrying out of development, the applicant may include in a development application for the development a proposal to carry out the works towards which the contribution or levy would have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under Section 94 requiring payment of the monetary contribution.

b) Offer made to Council following the grant of development consent:

If development consent has been granted to the carrying out of development subject to a condition under Section 94 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing that they instead provide the Council a material public benefit in part or full satisfaction of the requirements of the relevant condition.

The material public benefit may be the carrying out of work or another public benefit but not the payment of money or the dedication of land free of cost.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is relieved of the obligation, in part or whole, as the case requires, to comply with the conditions imposed under Section 94. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under Section 94.

In either case, in deciding whether to agree to the applicant's request, the Council will have regard to the requirements of the current Practice Notes issued by the NSW Government in the Revised Development Contributions Manual (DIPNR 2005) and may consider matters such as, but not limited to, the following:

1. the need for the facility and how it achieves the outcome for which the contribution was being sought;
2. the purpose and objectives of this Plan and any relevant plans or strategies;
3. whether the alternative will prejudice the timing or the manner of the provision of public facility for which the contribution was required; and

4. full details of the quantities, finishes and costings of the proposed works.

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion.

Aside from any exceptional circumstances, no credits will be granted for in-kind works carried out by the developer that are in excess of the approved contribution amount. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

2.2.4 Planning Agreements

An applicant may offer to enter into a Voluntary Planning Agreement with the Council in connection with a development application or a rezoning application that is made for the purposes of being able to subsequently make a development application.

Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions under Section 94 of the Act.

The offer to enter into a planning agreement together with the draft agreement will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the agreement as part of its assessment of the relevant application. If the Council agrees to enter into the agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

2.3 Payment of the Contribution

2.3.1 Timing of Payments

The time of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the subdivision certificate.
- Development applications involving building work only – prior to the release of the construction certificate.
- Development involving both subdivision and building work (e.g. Integrated housing developments) – prior to the release of the construction certificate, or the release of the subdivision plan, whichever occurs first.
- Development applications where no construction certificate is required – prior to occupation of the premises.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 2.8).

2.3.2 *Deferred or Periodic Payments*

Council may consider the deferred payment of contributions or payments made by periodic instalments.

A request for deferral or periodic payment shall be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:

- there are valid reasons for the deferral or periodic payment;
- the deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- the granting of the request for deferred payment will not prejudice the community needs or jeopardise the timely provision of works or land identified within the Plan;
- a suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- the periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept **deferred payment** by way of a bank guarantee are that:

- the bank guarantee is by an Australian Bank.
- the bank guarantee is for a maximum period of twelve months.
- the amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months interest.
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 6 months from the provision of the guarantee or completion of the work, whichever occurs first.
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent.
- the bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept **periodic payment** for a staged development are:

- that the instalments are paid before the work commences on each relevant stage of the development.
- the amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

2.4 Construction Certificates

In accordance with Clause 146 of the Environmental Planning and Assessment Regulation, a certifying authority must not issue a construction certificate for building work or subdivision works under 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 Environmental Planning and Assessment Regulation. Failure to follow this procedure may render such a certificate invalid.

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

2.5 Goods and Services Tax

Monetary Section 94 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

2.6 Adjusting Contribution Rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the Plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates indicated in this Plan, on a quarterly basis, with reviewed rates to apply from the first working day of December, March, June and September.

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

- Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.

In accordance with Clause 32(3)(b) of the Environmental Planning and Assessment Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the Consumer Price Index (Sydney All Groups), the contributions will be reviewed quarterly in accordance with the following formula:

$$\text{New Contribution Rate} = \text{IR} \times \frac{\text{CPI 2}}{\text{CPI 1}}$$

Where:

IR is the initial contribution rate at the time of adoption of the Plan, expressed in dollars

CPI 2 is the Consumer Price Index Number (Sydney All Groups) available at the time of the review

CPI 1 is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment (which isat the time of adoption of the Plan.)

2.7 Adjusting Contributions at the Time of Payment

Contribution amounts will initially be calculated and regularly updated in accordance with the terms of Clause 2.7 at the time development consent is granted. The contributions amounts included in a development consent will be adjusted subsequently on the basis of the contribution rates that are applicable at the time of the payment and not at the date of the approval of the development.

Adjustments to the contributions amount in a consent will be made in the following manner:

$$CP = CD \times \frac{CPI2}{CPI1}$$

Where:

CP is the amount of the contribution calculated at the time of payment

CD is the amount of the original contribution as set out in the development consent

CPI 2 is the Consumer Price Index Number (Sydney All Groups) applicable at the date of payment

CPI 1 is the Consumer Price Index Number (Sydney All Groups) applicable at the date of development consent.

The current contribution rates are published by Council and are available from Council Offices. They are updated and available on Council's internet site as part of this Plan.

2.8 Reassessment of Contributions

Council may consider an application for the reassessment of the development contribution payable. This may result in the contribution being reduced or waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent (Section 82 or Section 96) in accordance with the Environmental Planning and Assessment Act 1979, as amended.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

2.9 Review of the Plan

This Plan may be reviewed in full, or in respect of particular parts when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

A complete review of this Plan is anticipated every five (5) years from the date of commencement of the Plan.

2.10 Funding and Timing of Works

The contributions made to Council under the Plan may fully or partially fund the public amenities and services identified in this Plan. The contribution rates have been determined on the basis of apportionment between the expected development and other sources of demand. In circumstances where public amenities and services are not fully funded by contributions, the remaining funds will be supplied from other Council sources.

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 2.12 will be considered and used when necessary.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, the individual work schedules may be re – prioritised. This will take into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue flows.

It is expected that the development of the Mount View Road Millfield Precinct will be achieved over the next 10 to 15 years. The scope and timeframe for the delivery of the infrastructure identified in this Plan is for the same duration. However, as the projections and timeframes for development are uncertain, the Work Schedules in the Plan include the staging of infrastructure provision and are expressed in terms of thresholds of development. Furthermore management of the Plan incorporates ongoing monitoring of development trends, actual population growth rates and regular review processes.

2.11 Pooling of Contributions

This Plan expressly authorises monetary Section 94 Contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedules.

SECTION 3 – ADMINISTRATION OF THE PLAN

3.1 Management Costs of the Plan

There is a substantial time and cost overhead associated with this Section 94 Plan and its implementation.

Accordingly costs associated with the preparation, administration and management of this contributions plan will be levied on all applications relating to the release area. These costs will appear as a separate element in the rates schedule and the method of calculation is described in Section 4: Part D and cover the implementation review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the MPB and supervision work undertaken.

3.2 Explanation of Contribution Formulae

Council applies a contribution formula to each public amenity and service for the purpose of calculating the contribution rate applicable for that service or amenity. The formulae take into consideration the cost of the works to be undertaken, the cost to Council of acquiring land on which to undertake these works (if applicable) and the total projected population relevant to the facility:

$$\text{Contribution} = \frac{\text{TC} \times \text{AF}}{\text{P}}$$

Where:

TC = total cost of providing the facility including land and capital costs, including costs to be recouped (if applicable)

P = projected population increase or the anticipated increase in the number of lots over the life of the Plan

AF = apportionment factor

3.3 Allowances for existing development

As Section 94 contributions can only be levied where development will result in an increased demand for public amenities and services, contributions will not be sought in relation to demand generated for existing (or approved) urban development on the land to which this Plan applies.

Thus "credits" (or allowances) will be granted in relation to demand generated by existing development at the following rates:

- Dwelling houses and single vacant allotments = 2.5 persons or 1 lot credit.
- Other dwellings (e.g. medium density) = 2.0 persons per dwelling

Example: An existing lot with a three (3) bedroom dwelling which is subdivided to create a second lot with a dwelling entitlement will only pay a contribution in respect of the newly created lot/dwelling.

3.4 Occupancy rates

The contribution which may be levied for any development proposal will be calculated on the basis of the number of dwellings or lots or in the case of medium density development, the dwelling density.

The dwelling density or number of residents will be calculated on the basis of the occupancy rates contained in Section 5 of this Plan and summarized below.

For the purposes of this Plan, applications for dwellings, which refer to rooms capable of being used as a bedroom, such as a 'study', 'office' or 'sewing room' will be considered as a bedroom for the basis of calculating the contributions required.

The following schedule outlines occupancy rates utilised in this Plan

Occupancy Rates	Number of Persons
One Bedroom	1.5
Two Bedroom	2.0
Three Bedroom (+) Dwelling or Per Lot	2.5

3.5 Land Values

Council's objective is to ensure that the funds Council receives for land acquisition from Section 94 contributions are equivalent to the amount required to fund the purchase of all the land identified for acquisition in the Plan. The estimated value of the land to be acquired used for determining contribution rates is the value of the land identified for acquisition assuming that the land concerned is available for immediate development and services are available. The value so assigned does not necessarily represent the current market value of any particular parcel of land. Costs associated with land acquisition are also included in the determination of contribution rates. The costs include administration, valuation, negotiations, survey, legal and conveyancing, and are included in Part D of this Plan, i.e. Plan Management and Administration.

When land is to be acquired, the current market value of this land would be assessed at the time of acquisition or determination of compensation with regard to current market conditions, the availability of services, appropriate heads of compensation and the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

SECTION 4 – STRATEGY PLANS

This section of the Plan establishes the relationship (nexus) between the expected types of development in the Mount View Road Millfield Precinct, release area, and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

Causal Nexus – ‘what’. This is a demonstration that the anticipated development actually creates a need or increases the demand for a particular public facility.

Spatial or physical nexus – ‘where’. Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.

Temporal nexus – ‘when’. Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.

The proposed public facilities identified in this Plan are considered reasonable and are required to satisfy the expected demands of the anticipated types of development in Mount View Road Millfield Precinct. In general, the needs and increased usage of public facilities likely as a consequence of new development will exceed the capacity of existing public facilities in the area. It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of likely development.

The details establishing the nexus between the expected types of development in Mount View Road Millfield Precinct and the demand for additional public facilities to meet that development are set out in this part of the Plan under the headings of Open Space/Recreational Sporting/Facilities, Community Facilities, Road and Traffic Facilities, and Plan Management Administration. The following types of facilities have been identified as being necessary to meet the needs of the new population:

Category	Types of Services/Facilities
Open Space/Recreational/Sporting Facilities	Park/playground, aquatic and indoor sporting facilities.
Community Facilities	Library, Cultural Centre and Community Hall
Roads and Traffic Facilities	Traffic facilities and road up-grading, provision of cycle-ways, drainage and stormwater management
Plan Management and Administration	Management of development contributions and works, and review of Plan

Details regarding the approximate location, timing and estimated costs for each of the facilities, to the best of Council’s current estimation, are set out in the Work Schedules and Map attached to this Plan. It is acknowledged that many of these works are at an early stage in their development. They will be subject to more detailed planning and as further details are resolved and approved by Council; these will be incorporated into this Plan.

PART A - OPEN SPACE/RECREATIONAL/SPORTING FACILITIES

4.1 Introduction

Cessnock City Council supports the provision of open space, recreational and sporting activities to local communities recognising that they play an important role in encouraging community interaction, development and wellbeing. In support of these benefits, Cessnock Council will continue to maintain the role of facilitating the provision of recreational and sporting and open space for local residents in Mount View Road Millfield Precinct.

Council has undertaken significant work in order to determine the future recreation and open space requirements to cater for the incoming population. The findings of these investigations have been outlined in the Cessnock Recreation Open Space Strategic Plan and Recreation Guidelines and translated into the open space and recreation works schedules.

Local contributions are not permitted to fund acquisition of land for riparian corridors. If land is intended to be dedicated to Council, it shall be dedicated free of cost by the developer at the time of subdivision and only following agreement by Council.

4.2 Nexus

New residential development in the Mount View Road Millfield Precinct will result in a demand for the provision of a range of Council-provided open space, recreational and sporting facilities to meet the needs of the new population.

Facilities provided for within this Plan are consistent with both Council's Recreation Guidelines and Recreation and Open Space Strategic Plan and will address an almost doubling of the current Millfield population as a result of the proposed development.

The proposed development impacts on the recreational and sporting facility needs at a local level as well as the district facilities provided within the Cessnock catchment.

The timing for the provision of facilities included in the Plan is outlined by way of the thresholds provided in the Schedule II- Works Schedule

4.3 Contribution Catchment

Contributions for open space, recreational and sporting facilities are based on the requirements for sporting facilities of the Mount View Road Millfield Precinct Release Area Catchment, however in relation to centralised services/amenities; contributions are based on the requirements of the overall Cessnock District Catchment.

4.4 Facilities Strategy

The Recreation and Open Space Strategic Plan refers to the Department of Planning and Infrastructure's standard benchmark for the provision of open space, that is, 2.83 hectares per 1,000 people. On this basis, the population increase of 398 people in this precinct would require the dedication of just over 1.12 hectares for use as open space. Similar benchmarks have been included in the Department of Planning and Infrastructure's draft Development Contributions Guidelines (2009) for a broad range of infrastructure types.

Rather than requiring the dedication of 1.12 hectares of land for open space and other recreation infrastructure to meet the demand created by the new development simply on the basis of benchmarks, which Council would reasonably be entitled to do, this Plan proposes the provision of the following facilities to meet the requirements of future population within the Mount View Road, Millfield Precinct Release Area:-

1. Local Park / Playground

A local park is to be provided within the release area with a minimum area of 0.5 hectares in size and which meets the requirements of Council's Recreation and Open Space Guidelines. Specifications for the local park would include a picnic shelter and seating, rubbish receptacle, shade cover, kick about area, concrete pathways, drinking fountain and a local playground catering for children up to the teenage age bracket and incorporating a rubber safety surface and play unit.

The cost of the facility is estimated at \$150,000 plus a land component cost estimated at \$237,500 (see Section 3.4 Land Value).

2. Upgraded Aquatic and Indoor Sporting Facilities

Provision has been made within the Plan for the replacement/ upgrading of these major facilities on the basis of:

- i. Principles contained in Council's Recreation and Open Space Strategic Plan 2009, which provides benchmarks for open space provision and general direction for the upgrading and/or relocation of these major facilities and instigates a course of action.
- ii. The Recreation and Open Space Strategic Plan identifies major increased demand on Recreation Facilities within Cessnock over the next 25 years based on the 25% increased population forecast in the Lower Hunter Regional Strategy.
At a local government area level, Cessnock is nominated as one of the six designated growth areas with a substantial increase in new housing (21,700 new dwellings).
- iii. These predictions are further endorsed by the NSW Statistical Local Area Population projections released by the Department of Planning in April 2010 which indicates a population increase of 19% in the local government area over the period of this Plan.
- iv. The Recreation and Open Space Strategic Plan provides for the inclusion of these items within Capital Works Programmes and the use of external funding (Section 94 Contributions) to assist Council with their provision.
- v. Community Consultation undertaken as part of the formulation of the Recreation and Open Space Strategic Plan endorsed the proposal that Council build certain high quality sporting or recreational facilities in a centralised location rather than a larger number of local facilities of lesser quality.
- vi. Upgrading these facilities represents a significant Council commitment, for which Council is carefully planning well in advance of its delivery. It is necessary to collect Section 94 Contributions at this early stage to help accumulate the necessary funding for these major capital items and it is appropriate to acknowledge that despite the lack of substantial detail, the demand for such facilities is recognised and a proportionate contribution from this development is appropriate.
- vii. The Community Impact Assessment submitted to Council by Elton Consulting in respect of a major rezoning/release area indicated that many of the existing facilities within Cessnock will not be able to meet the additional growth projected for Cessnock.

Hence the contributions towards facilities, provided for within the Plan, are in accordance with Recreation and Open Space Guidelines:-

- The upgrading and/or relocation of Cessnock Pool to meet future requirements. A two stage approach is provided for:-

Stage 1 – Indoor 25m swimming pool, purpose built leisure/program pool, change rooms, meeting room, toilets, storage, kiosk, office space and spectator areas incorporating seating.
Estimated Cost \$5m

Stage 2 - 50 metre outdoor pool, dry facilities incorporating gymnasium, change room, program rooms.
Estimated Cost \$5m

Cost estimates are based on the cost of the provision of the Kurri Kurri Aquatic Centre and other similar facilities to the one envisaged.

- The upgrading/expansion of the Cessnock Indoor Sports Facility (Basketball Stadium) and the acquisition of identified surrounding land to meet future requirements:-

Stage 1 - Acquisition of land and provision of two (2) additional multi-courts (basketball, netball, soccer, volleyball, etc). Sizeable foyer with capacity for civic receptions/community events, meeting rooms and office space.
Estimated Cost \$2.5m

Stage 2 - Two (2) additional Multi-courts, outdoor half court, upgrade kiosk, referees, first aid, storage areas and change facilities.
Estimated Cost \$2.5m

4.5 Apportionment

There is a direct relationship between the development of Mount View Road Millfield Precinct and the provision of the proposed open space, recreational and sporting amenities and services. The local park / playground which will service the Mount View Road Millfield Precinct Release Area will be fully funded from Section 94, i.e. 100% apportionment to the development.

Centralised facilities which will service both the Mount View Road Millfield Precinct and other communities within the Cessnock Catchment District are located within the town of Cessnock approximately 12 kilometres or 10 minutes drive from the Mount View Road Release Area and will be funded from Section 94 on a proportionate population basis i.e. 1.36% from the Mount View Road Millfield Precinct Release Area and 98.64% from the balance of the Cessnock District Catchment.

The Cessnock District Catchment is the area as illustrated in Figure 2.

The estimated population of the Cessnock District Catchment is a calculated as follows:-

Estimated resident population as per relevant ABS Census Collector Districts- 2006 Census
23,600

Add Estimated Population growth over development timeframe to 2026
as per Dept. of Planning predicted average annual growth rates
5,664

Estimated Total Population of Cessnock District Catchment in 2026. 29,264

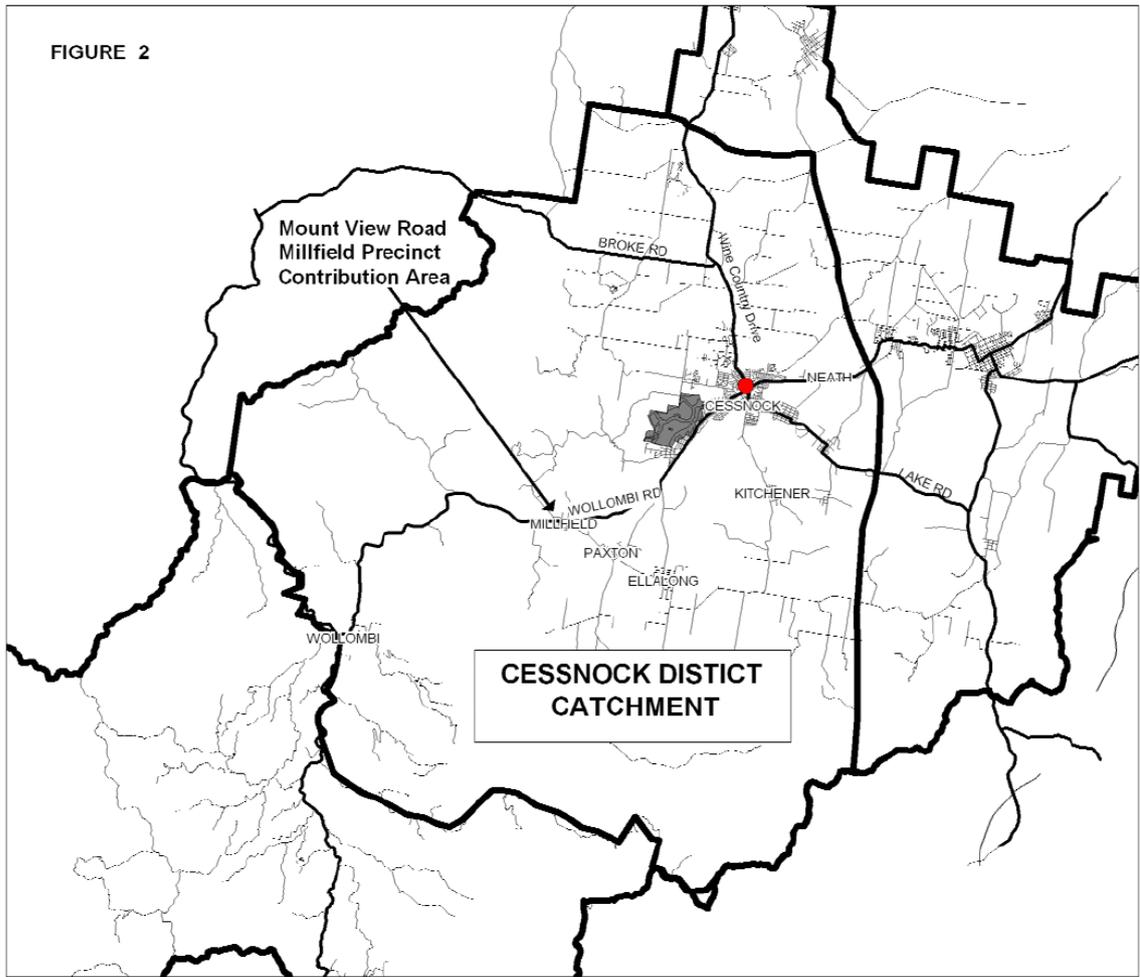
Estimated increase in population of Mount View Road Millfield Precinct, Release Area.
164 lots x 2.5 persons per lot average
398

Estimated Population of Mount View Road Millfield Precinct, Catchment
398

Estimated Population of Cessnock District Catchment
29,264

Apportionment % =
1.36%

FIGURE 2



4.6 Calculation of Contribution

4.6.1 Background

The costs attributable for the provision of new open space, recreational and sporting facilities are comprised of capital costs for the construction and / or embellishment of the various types of recreation facilities as outlined above. In some instances Council will provide land for the various facilities. Further details are supplied in Schedule II – Works Schedule.

4.6.2 Calculations for Open Space, Recreational and Sporting Facilities

For the expected population increase of approximately 398 people the following facilities will be provided:

Local Park/Playground \$387,500	Apportioned cost =	\$387,500 x 100%	=
Aquatic Facilities \$136,000	Apportioned cost =	\$10m x 1.36%	=
Indoor Sports Facility \$68,000	Apportioned cost =	\$5m x 1.36%	=

TOTAL APPORTIONED CAPITAL COST
\$591,500

The contribution formula for Open Space, Recreation and Sporting Facilities is therefore:

$$\frac{C}{P}$$

Where: C = Total Apportioned Capital Cost of Facilities

P = Benefiting No of People (new population)

$$\frac{\$ 591,500}{398}$$

= \$1,486.00 contribution rate per person

On the basis of the \$1,486.00 contribution rate per person, the Contributions for Open Space, Recreational and Sporting Facilities are calculated as follows.

One Bedroom Dwelling	\$1,486 Per Person	X	Occupancy Rate of 1.5 persons	= \$2,229 Contribution
Two Bedroom Dwelling	\$1,486 Per Person	X	Occupancy Rate of 2.0 persons	= \$2,972 Contribution
Three Bedroom (+) Dwelling or Per Lot	\$1,468 Per Person	X	Occupancy Rate of 2.5 persons	= \$3,715 Contribution

The formula for the Dedication of Land for Local Open Space, Recreational and Sporting Facilities is:

Dedication of Land

$$\text{Dedication (m}^2 \text{ / person)} = \frac{L}{P}$$

Where:

L = Total Recreational/Open Space/Sporting or Community Facilities land requirements

P = The total projected resident population.

$$\frac{5,000}{398}$$

= 12.6m²per person

On the basis of 12.6m² land dedication per person the Land Dedications for Open Space, Recreational and Sporting Facilities are calculated as follows:-

One Bedroom Dwelling	12.6m ² Per Person	X	Occupancy Rate of 1.5 persons	18.9m² land dedication
Two Bedroom Dwelling	12.6m ² Per Person	X	Occupancy Rate of 2.0 persons	25.2m² land dedication
Three Bedroom (+) Dwelling or Per Lot	12.6m ² Per Person	X	Occupancy Rate of 2.5 persons	31.5m² land dedication

PART B - COMMUNITY FACILITIES

5.1 Introduction

All forms of residential development which result in additional population, require a range of community facilities and services to support the needs of that population. As the population increases therefore, additional demand is placed on existing facilities and services as well as creating demand for new amenities.

Cessnock is a well established City and has a range of reasonably well developed community facilities and services to which all residents have access. The range and type of new community facilities required for the future Mount View Road Millfield Precinct population will be influenced by the spatial and demographic composition of the new population.

Under this Plan, Council, where possible, will seek to provide community facilities that equate to the current level of service provided to the existing community and contributions under the Plan are levied accordingly.

5.2 Nexus

Council has provided a network of community facilities in areas throughout the city, which generally meet the needs of the current population. Existing community facilities are well utilised and are operating at capacity (i.e. no practical spare capacity). Council will therefore need to provide additional community facilities space and amenities, commensurate with the projected growth from the Mount View Road Millfield Precinct.

Priorities identified by Council staff and within Council's adopted Social and Cultural Plan and Recreation and Open Space Strategic Plan to meet population growth include the upgrading and expansion of Library facilities and the upgrading of the Millfield Community Hall. The expansion of cultural infrastructure in recent years by the provision of a District Performing Arts and Cultural Centre has similarly been a priority to meet existing and future needs.

5.3 Contributions Catchment

Contributions for community facilities are based on the requirements of the Mount View Road Millfield Precinct Release Area catchment, however in relation to centralised services and amenities, contributions are based on the requirements of the Cessnock District Catchment.

5.4 Facilities Strategy

The provisions for community facilities within this Plan are driven by community needs assessed by Council Staff through service reviews, strategic plan formulation and community consultation. The other major driving factor is demand created by the 34% predicted increase in population over the next 25 years local government area wide, or 19% population increase forecast over the period of this Plan in the April 2010 NSW Statistical Local Area Population figures released by the Department of Planning.

Provisions made within the Plan are as follows:-

1. Expansion of Facilities at Millfield Community Hall. Information collected for Council's Recreation and Strategic Plan 2009 indicates Council's Community Halls are highly utilised for a diverse range of sporting, recreational and social gathering activities. The population of Millfield will increase from approximately 585 to 983 persons as a result of the proposed development and this will necessitate expansion of the community hall (located approximately 1600 metres from the Release Area) to incorporate new toilets, storage and access improvements, kitchen upgrade, landscaping and car-parking improvements. The estimated cost is \$200,000, which will be fully funded by Section 94 Contributions as the need for the expansion of facilities is entirely due to demand created by new population from the proposed release area.

- An upgrade and expanded Cessnock Library. The current Cessnock Library will not be able to cope with the high level of population increase predicted for its catchment area in the 2010 NSW Statistical Local Area Population figures (see above). Community consultation as part of the formulation of Council's 2009 Social and Cultural Plan also endorsed the need for a new Cessnock Library and such Plan provides for the preparation of a Library Strategic Plan, construction of the Library to be incorporated in Works Programmes and the collection of Section 94 funds to assist in financing the facility.

The required facility is estimated to have an area of 3,000 sq. metres, provide a comprehensive range of services/facilities and cost \$12.8m. Construction is anticipated in the medium term towards the end of the development and it is necessary to collect Section 94 Contributions to help accumulate the necessary funding for this major facility.

- A contribution is also sought towards the Cessnock District Cultural and Performing Arts Centre, which was built recently to provide for the cultural needs of both current and future population. The \$8.1 million cost of the facility was \$6 million debt funded with the remaining cost provided by Council. The costs of the Cultural Centre have not been indexed in terms of Section 94(3) of the Environmental Planning and Assessment Act 1979 and cl.251 of the Environmental Planning and Assessment Regulation 2000. Residents of the proposed subdivision will benefit from provision of the centre and the contribution is sought on an apportioned basis to recoup a relevant proportion of the cost of providing the Centre which was built to accommodate existing and future population.

The centralised library and cultural facilities are located approximately 12 kilometres or 10 minutes drive from the Mount View Road Millfield Release Area.

5.5 Apportionment

This Plan adopts the approach of levying contributions based on demand for facilities generated by the development of the Mount View Road Precinct calculated on the basis of population growth. The apportionment factor will therefore reflect the proportion that this development represents as a percentage of the catchment for the facility as illustrated in the following table.

Catchment	2006 Census population	Estimated 2011 population	Estimated 2026 population	Development growth as percentage of catchment
Millfield and surrounds	537	585	983	40%
Cessnock District Catchment	23,600	24,780	29,264	1.36%

Where the need for infrastructure only arises as a result of the development and the provision thereof essentially only services future residents of the development area, the provision of such infrastructure will be 100% apportioned to the new population and funded from Section 94 Contributions.

5.6 Calculation of Contribution

The total apportioned capital cost component for the provision of community buildings for the new population equates to \$484,240 and is comprised of:-

Community Hall (100%)	\$200,000
Library (\$12.8m x 1.36%)	\$174,080
Cultural Centre (\$ 8.1m x 1.36%)	<u>\$110,160</u>
	<u>\$484,240</u>

Further details are provided in Schedule II – Works Schedule of this Plan.

The contribution formula for community buildings component is therefore:

$$\frac{C}{P}$$

Where: C = Total Apportioned Capital Costs of Facilities

P= Benefiting Number of People

$$\frac{\$484,240}{398}$$

= \$1,217 contribution rate per person

On the basis of a \$1,217.00 contribution rate per person, the contributions for Community Facilities are calculated as follows:-

One Bedroom Dwelling	\$1,217 Per Person	X	Occupancy Rate of 1.5 persons	= \$1,826 Contribution
Two Bedroom Dwelling	\$1,217 Per Person	X	Occupancy Rate of 2.0 persons	= \$2,434 Contribution
Three Bedroom (+) Dwelling or Per Lot	\$1,217 Per Person	X	Occupancy Rate of 2.5 persons	= \$3,043 Contribution

PART C - ROADS TRAFFIC DRAINAGE and STORMWATER MANAGEMENT

6.1 Introduction

The roadworks, traffic, drainage and stormwater management facilities provided for in this Plan are required to meet the increase in traffic and runoff as a result of the increase in impervious areas, from the intensified development within the Mount View Road Millfield Precinct.

The key documents supporting these works are identified below:

- Cessnock City Council S.94 Review (including review of other documents below);
- Traffic Impact Assessment – Mark Waugh Pty Ltd;
- RTA Guide to Traffic Generating Developments; and,
- Stormwater and Flooding Assessment – Martens Consulting Engineers.

6.2 Nexus

The ramifications of the proposed rezoning/subdivision are:-

- Intensification of development
- Increased traffic movements along Mount View Road,
- Increased turning movements at the intersection of Mount View Road and Wollombi Road,
- Loss of amenity to residents of First and Second Streets, Millfield, and
- Increased runoff with the increase in impervious areas due to intensified development.

To address these issues, the most important factors provided for within this Plan relate to:-

- Up-grading catchment and street drainage,
- Ensuring the quality of discharge waters from the site into receiving waters is high,
- Up-grading road infrastructure and pavements (in association with the above drainage measures) to cater for increased traffic volumes whilst retaining amenity for local residents, and;
- Intersection up-grades to cater for increased traffic movements in a safe manner and to retain access to the existing road network.

The construction of a pedestrian/ cycle-path presents opportunities also for connectivity to the existing village and transport.

A specific schedule of necessary works for road, traffic, drainage and stormwater management infrastructure has been identified, together with development thresholds to ensure the infrastructure in the area to the necessary urban standards required by the new development. The timing of the provision of the works has been based upon the projected demand for lots within the development precinct and is indicative only. Works programmes will be regularly reviewed and revised depending upon development trends, up-dated traffic modelling, State Government Planning Policy and available funding.

A number of infrastructure items are expected to be addressed as conditions of development consent when subdivision is proposed.

6.3 Contributions Catchment

The Section 94 contributions for the road and traffic management infrastructure have been determined on the basis of requirements generated by the Mount View Road Precinct or contributions catchment. That is, all works arise directly from the development activity proposed in this precinct.

6.4 Facilities Strategy

Necessary works for road, traffic, drainage and stormwater management facilities have been identified in technical studies, and reviews undertaken by Council staff.

A summary of proposed road, traffic, drainage and stormwater management infrastructure works and costs within the Mount View Road Millfield Precinct development area is provided in the works schedule attached.

6.5 Apportionment

The road, traffic, drainage and stormwater management Infrastructure works detailed in this plan have been designed to meet the demands of the future development of the Mount View Road Millfield Precinct.

Appointment Factor for Regional Road Network: The existing pavement and traffic infrastructure in Wollombi Road caters for the existing traffic movements, however, it is not considered adequate to cater for the existing traffic over the longer term. While this proposal is an extension of the existing urban areas, Wollombi Road is a Classified Road and a Tourist Drive (for which Council is the Road Authority) with through heavy vehicle, public transport and tourist coach movements which is reflected in the cost apportionment for upgrade works. The Apportionment Factor is based on the additional traffic volume generated by the development area as a percentage of current traffic volumes for the road, i.e. 44.2% of works identified for Wollombi Road.

Council's records of 8 July 2009 indicate an ADT of 1773 vpd on Wollombi Road through Millfield. This proposal will introduce 1,476 additional daily traffic movements on Mount View Road with 95% of these movements (as indicated in the proponent's traffic study) estimated to access Wollombi Road (95% of 1476 vpd = 1402 vpd). The AF for the proponent is therefore 44.2% of works identified for Wollombi Road ($1402/(1402+1773)*100=44.2\%$)

The apportionment factor of 40% applied to the cost of the provision of bus shelters and pedestrian refuges relates to development growth as a percentage of the Millfield and surrounds catchment as outlined in the Executive Summary of this Plan and in Section 5.5 Apportionment.

6.6 Calculation of Contribution

Estimated apportioned capital costs for the proposed works were prepared by Cessnock City Council and amount to \$142,320.

Full details are provided in Schedule II – Works Schedule of this Plan, together with a location map.

The contribution formula for Road and Traffic Management Facilities is therefore:

$$\frac{C}{P}$$

Where:

C= Apportioned Capital costs of facility

P= Benefiting No of People

$$\frac{\$142,320}{398}$$

= **\$358 per person**

On the basis of a \$358 contribution rate per person the contributions for roads traffic drainage and stormwater management are as follows:-

One Bedroom Dwelling	\$358 Per Person	X	Occupancy Rate of 1.5 persons	= \$537 Contribution
Two Bedroom Dwelling	\$358 Per Person	X	Occupancy Rate of 2.0 persons	= \$716 Contribution
Three Bedroom (+) Dwelling or Per Lot	\$358 Per Person	X	Occupancy Rate of 2.5 persons	= \$895 Contribution

PART D - PLAN MANAGEMENT and ADMINISTRATION

7.1 Nexus

The preparation and administration of a Section 94 plan is time consuming and costly. Council employs staff that coordinate the implementation of the Plan and of works, as well as the financial accounting of contributions received. In addition consultant studies and specialist advice (e.g. legal and valuation) are obtained to assist with preparation, management and review of the Plan.

Council considers that the costs involved with the administering Section 94 are an essential component of the efficient provision of facilities necessitated by development within the Mount View Road Millfield Precinct. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

7.2 Contribution Catchment

Plan preparation, administration and management are based upon a single release area catchment and contributions have therefore been applied on this basis.

7.3 Facilities Strategy

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (e.g. planning and engineering specialists) to carry out studies.

Calculation of Contribution

The estimated cost of Council staff and specialist consulting assistance in the preparation, implementation, management and administration of this Plan is:-

Preparation	\$21,500
Management/Review	<u>\$27,000</u>
Total	\$48,500

The contribution formula for plan management and administration is:-

$$\frac{C}{P}$$

Where: C = The Cost of Plan Management and Administration
P= Benefiting Number of People

$$\frac{\$48,500}{398}$$

= \$122.00 contribution rate per person

On the basis of a \$122 contribution rate per person, the contributions for Plan Management and Administration are calculated as follows:-

One Bedroom Dwelling	\$122 Per Person	X	Occupancy Rate of 1.5 persons	= \$183 Contribution
Two Bedroom Dwelling	\$122 Per Person	X	Occupancy Rate of 2.0 persons	= \$244 Contribution
Three Bedroom (+) Dwelling or Per Lot	\$122 Per Person	X	Occupancy Rate of 2.5 persons	= \$305 Contribution

SECTION 5 – SUPPORTING DOCUMENTATION

SCHEDULE I: Demographics and Expected Types of Development

SCHEDULE II: Work Schedules and Map

Schedule 1 – Demographics and Expected Types of Development

Existing Population Characteristics

The key demographic characteristics of the Cessnock LGA have remained relatively unchanged over the last census period (2001-2006) and are considered to be applicable to future development sites in the Cessnock LGA.

While the population of the Cessnock LGA is similar to that of NSW as a whole in many ways, it also differs in some important ways:

- It has a slightly higher proportion of children and of older people 70+, and a slightly lower proportion of young adults;
- It has a slightly higher proportion of one parent family households, and low proportion of group households;
- It is relatively culturally homogeneous and has low proportions of both indigenous people and people from non English speaking backgrounds;
- It has relatively lower proportions of residents in the higher household income brackets, significantly lower average weekly household income, and higher rates of unemployment;
- It has lower proportions of people with university qualifications and employed in professional and managerial occupations, and a higher proportion of people with no qualifications working in lower skilled occupations;
- It has very high rates of home ownership and slightly higher rates of vehicle ownership;
- A very high proportion of its housing stock is separate houses, with very low proportions of medium density dwelling types.

Demographic projections for the Hunter Region suggest the population structure will begin to change over the next 25 years, with an ongoing trend towards an aging population (HVRF, 2003). The proportion of the population aged over 65 years will continue to increase with a forecast reduction in the proportion of youth and children.

The following table details household size in Cessnock from recent census data:-

Cessnock LGA Population and Household Size.			
Year	Population	Dwelling	Average household size
2001	45,071	16,516	2.72
2006	46,206	17,732	2.68

The 2006 Census data also indicated an average number of persons per bedroom within the Cessnock LGA of 1.1.

The NSW Statistical Local Area Population Projections (April 2010) and the NSW Household and Dwelling Projections Newcastle Region, 2006 – 2036 (2008) issued by the Department of Planning provide further basis for the projections of population and household sizes in the Cessnock Local Government Area:-

Cessnock LGA Population and Household Size			
Year	Total population (estimate)	Average household size – Newcastle Region	Average household size– Cessnock (estimate)
2016	53,100	2.36	2.59
2021	56,500	2.30	2.54
2026	60,100	2.25	2.50

On the basis of past and projected figures, the following occupancy rates on a per bedroom basis have been used for the purposes of this Plan:-

Dwelling Type	Number of Persons
One Bedroom	1.5
Two Bedroom	2.0
Three (+) Bedroom or Per Lot	2.5

Population Projections

Forecasting the size and characteristics of the future population is a complex matter, and predictions are more generally suitable for use in short-term planning compared with long-range predictions.

Population change is determined by two key factors (i.e. births/deaths and migration) and more accurately calculated at a large spatial scale. At the micro scale, population is more greatly influenced by local development and factors such as migration, which are difficult to control and record.

The Cessnock LGA will experience high population growth over the period of this Plan. Predicted average annual rates by the NSW Dept of Planning (April 2010) for the period of this Plan are 0.91%, 2011 to 2016: 0.97%, 2016 to 2025: 1.26%. On the basis of NSW Statistical Local Area Population Projections (April 2010) issued by the Department of Planning, a population increase of 19% is projected over the period of this Plan, i.e. 2011 to 2026.

A high population growth rate is expected in the Mount View Road Millfield Precinct because of the popularity of new urban areas, locational advantages of the area and the potential demand for housing. A population growth of between 25 and 40 new residents is predicted annually, or on average the release of 10 to 15 residential allotments each year. For the purpose of this Plan, a linear growth trajectory is used, hence it is expected that an average of 10 to 15 dwellings will be released each year, although in some years plans may be exceeded or not achieved.

On the basis that the Mount View Road Millfield Precinct development area contains around 164 residential lots (5 existing lots), it is estimated that development may occur over a 10-15 year timeframe. An ultimate population of approximately 398 additional residents will reside in the Mount View Road Millfield Precinct.

Residential development will contain a mix of separate dwellings, and larger lot residential housing. The target density per hectare proposed for the Mount View Road Millfield Precinct, is as follows:

Low Density Residential – 10 dwellings per hectare.

Medium Density Residential – 15 dwellings per hectare.

Despite this distinction between low and medium density, the lot sizes that will be achieved in all cases are sufficient to allow for the construction of large detached dwellings. This Plan reasonably assumes that those lots have the capacity for large three bedroom dwellings and so the residential density of the development precinct is calculated on this basis.

Schedule II – Work Schedules

Table 1 - Land Acquisition/Dedication Details

Table 2 - Open Space/Recreational /Sporting Facilities

Table 3 - Community Facilities

Table 4 - Roads/Traffic/Drainage/Stormwater Management Facilities

TABLE 1 - LAND ACQUISITION/DEDICATION DETAILS

Service/ Facility	Area (Ha)	Estimated Cost	Apportionment Factor (%)	Apportioned Land Cost	Timing (Lot %)
Local Park	0.5	\$237,500	100	\$237,500	50
TOTAL	0.5	\$237,500		\$237,500	

TABLE 2 - OPEN SPACE/RECREATIONAL/SPORTING FACILITIES

SERVICE/FACILITIES	MAP REF.	AF%	APPORT. CAPITAL COST \$	EST. LAND COST \$	COUNCIL/ OTHER COST	TOTAL COST	TIMING (LOT%)
Provide Local Park and Playground - Millfield	5	100	\$150,000	\$237,500	Nil	\$387,500	50
Upgrading/Expansion of District Indoor Sports Facilities – Cessnock	4	1.36	68,000	Provided by Council	\$4,932,000	\$5,000,000	100
Upgrade/Replace District Aquatic Facilities – Cessnock	3	1.36	136,000	Provided by Council	\$9,864,000	\$10,000,000	100
TOTAL			\$354,000	\$237,500	\$14,796,000	\$15,387,500	

TABLE 3 - COMMUNITY FACILITIES

SERVICE/FACILITIES	MAP REF	AF %	APPORT. CAPITAL COST \$	EST. LAND COST \$	COUNCIL/ OTHER COST	TOTAL COST	TIMING (LOT %)
Local Community Hall Up-grade - Millfield	6	100	\$200,000	Provided by Council	-	\$200,000	50
Replace District Library – Cessnock	1	1.36	\$174,080	Provided by Council	\$12,625,920	\$12,800,000	100
Provide District Cultural Centre – Cessnock	2	1.36	\$110,060	Provided by Council	\$7,989,940	\$8,100,000	0
TOTAL			\$484,140	Nil	\$20,614,860	\$21,100,000	

Notes:

1. AF% = Apportionment Factor.
2. APPORT. CAPITAL COST is the apportioned cost to be funded under this Plan by Section 94 Contributions.
3. COUNCIL/OTHER COST is the proportion of the total estimated cost to be funded by Council/Other Contributors/Grants etc.
4. TIMING is the threshold for the provision of the relevant infrastructure and is based upon the developed number of lots expressed as a % of the 164 total lots.



Figure 3

**Mount view Road Millfield And Cessnock Catchments
Open Space, Recreational, Sporting and Community Facilities**

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change and should be verified with Cessnock City Council

TABLE 4 – ROADS TRAFFIC DRAINAGE and STORMWATER MANAGEMENT FACILITIES

LOCATION	DESCRIPTION	AF %	APPORT. CAPITAL COST	COUNCIL/OTHER COST	TOTAL COST	TIMING (LOT%)
Wollombi Rd	Reconstruct including drainage (120m minimum)	44.2	\$110,320	\$139,280	\$249,600	50
Wollombi Rd	Bus stops/shelters (2)	40	\$20,000	\$30,000	\$50,000	50
Wollombi Rd/Mount View Rd Intersection	Pedestrian refuges (2)	40	\$12,000	\$18,000	\$30,000	50
	Total		\$142,320	\$187,280	\$329,600	

Notes:

1. AF% = Apportionment Factor.
2. APPORT. CAPITAL COST is the apportioned cost to be funded under this Plan by Section 94 Contributions.
3. COUNCIL/OTHER COST is the proportion of the total estimated cost to be funded by Council/Other Contributors/Grants etc.
4. TIMING is the threshold for the provision of the relevant infrastructure and is based upon the developed number of lots expressed as a % of the 159 additional total lots.

REFERENCES

The References which have been used in the drafting of this Plan includes:

1. Census of Population and Housing (2006), Australian Bureau of Statistics
2. Residential Section 94 Contribution Plan (2006) Cessnock City Council
3. Cessnock Community Profile (2003), Cessnock City Council
4. Cessnock Bike Plan (2005), Cessnock City Council
5. Department of Planning – Development Contribution Practice Notes 2005
6. Department of Planning – Planning Circular PS07-018
7. Draft Social Impact Assessment Procedure and Guidelines, Development Application (2006), Cessnock City Council
8. Recreation and Open Space Strategic Plan (2008), Cessnock City Council
9. Draft (Revised) Cessnock Settlement Strategy (2007), Cessnock City Council
10. Environmental Planning and Assessment Act, 1979
11. Environmental Planning and Assessment Amendment (Development Contributions) Regulations, 2005
12. Environmental Planning and Assessment regulation, 2000
13. Traffic Impact Assessment – Proposed Residential Rezoning Mount View Road Millfield Precinct NSW – Mark Waugh Pty Ltd.
14. People Places – A guide for Public Library Buildings in New South Wales, 2nd edition (2005) Heather Nesbit Planning
15. Public Library Building Guidelines State Libraries of NSW
16. Environmental Planning and Assessment Amendment Act, 2008
17. Stormwater and Flooding Assessment-Martens Consulting Engineers