



Averys Village Heddon Greta

**SECTION 94
CONTRIBUTION PLAN 2013**

Averys Village Section 94 Contributions Plan 2013

Produced by:

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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

The Averys Village Contributions Area is adjacent to residential development in Heddon Greta and is approximately 3 kilometres from the Kurri Kurri town centre. This land is identified as a potential urban area in the City Wide Settlement Strategy and Lower Hunter Regional Strategy.

The Averys Village Contributions Area involves approximately 960 potential lots, resulting in a total population of approximately 2400 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.

This Plan adopts the approach of levying contributions based on demand for facilities generated by the development of the Averys Village Contributions Area, 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 as percentage of catchment
Averys Village	0	0	2400	-
Kurri District Catchment	15635	16347	19455	12.3%
Cessnock LGA Catchment	48300	50500	60100	4.0%

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 Averys Village Contributions Area 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 development contributions from Averys Village Contributions Area include the following:

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

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

The following is a summary of Development Contribution rates for the Averys Village Contributions Area:-

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling or Per Lot
Open Space Recreational Sporting Facilities	\$1,833.26	\$2,749.89	\$3,666.52	\$4,583.15
Community Facilities	\$1,271.28	\$1,906.92	\$2,542.57	\$3,178.21
Road and Traffic Facilities	\$2,804.71	\$4,207.06	\$5,609.41	\$7,011.77
Plan Management Administration	\$67.43	\$101.14	\$134.85	\$168.56
TOTAL	\$5,976.67	\$8,965.01	\$11,953.35	\$14,941.69

Land components included in the above contributions:

Service/ Facility	Area (ha)	Notional Land Cost	AF (%)	Apportioned Land Cost
Local Park	0.5 x 2	\$600,000	100%	\$600,000
Sportsfield	2.0	\$1,200,000	100%	\$1,200,000
Child Care Centre	0.46	\$464,000	48%	\$222,720
Multipurpose community space	0.5	\$500,000	40%	\$200,000
TOTAL	3.96	\$2,764,000		\$2,222,720
Per lot				\$2,315.33

Land contribution per person	One bedroom dwelling	Two bedroom dwelling	Three bedroom dwelling or per lot
\$926.13	\$1,389.20	\$1,852.27	\$2,315.33

These are notional en globo land values which should be updated with current values at the time of calculating a contribution.

SECTION 1 – INTRODUCTION

1.1 *Name of the Plan*

This Plan is referred to as the Averys Village Contributions Area Section 94 Contributions Plan 2013

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 Circulars and Guidelines.

1.2 *Commencement of Plan*

This Contributions Plan takes effect on 26 June 2013. 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 Averys Village Contributions Area 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:

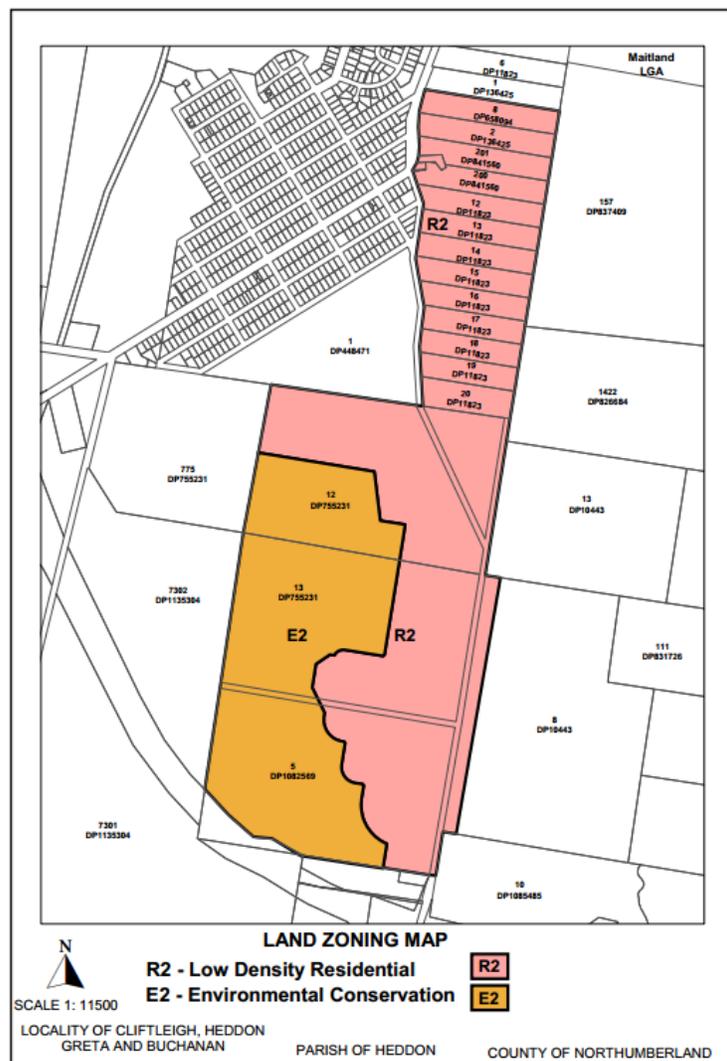
- provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the provision of public services and amenities on an equitable basis;
- identify the additional services and amenities required to meet the demands of the incoming population at Averys Village Contributions Area;
- 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, and
- ensure that contributions are fair and reasonable.

1.4 **Area to Which the Plan Applies**

This Contributions Plan applies to all land within the Averys Village Contributions Area in the Cessnock Local Government Area shown zoned R2 Low Density Residential in **Figure 1** below. The Contributions Area is the same as the Averys Village Urban Release Area as defined under the Cessnock Local Environmental Plan 2011.

Figure 1: Averys Village Contributions Area



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 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 traffic, drainage and stormwater management infrastructure.

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 that 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 Averys Village Contributions Area.
- (ii) Cessnock City Council has the following general Section 94 Plans in place:
 - Residential Contributions Plan (August 2006);
 - Tourism Contributions Plan (February 2007), and
 - Car Parking Contributions Plan (2001).

These plans do not apply to the Averys Village Contributions Area. .

- (iii) This Plan should be read in conjunction with the Cessnock Local Environmental Plan 2011 and the Cessnock Development Control Plan 2010.

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, and
- 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 Planning Agreement (PA) at either a development application stage or when rezoning land. Public amenities and services delivered through a PA 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 listed 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 to 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 of what 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;
4. Full details of the quantities, finishes and costings of the proposed works;
5. The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion, and
6. 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 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, and
- 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 2.6).

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, and
- 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, and
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution will 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, and
- 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 Complying Development

Accredited certifiers must impose a condition requiring monetary contributions in accordance with this Plan, in accordance with Section 94 of the Environmental Planning and Assessment Act. The amount of the contribution is to be determined in accordance with the formulas contained in the Plan and the current contribution rates. The conditions imposed must be consistent with Council's standard section 94 consent conditions and be in accordance with this Plan. It is the responsibility of accredited certifiers to correctly calculate the contribution and apply the section 94 contribution.

2.5 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.

The certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with Clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where works in kind, material public benefit and 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.

2.6 Goods and Services Tax

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

2.7 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 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 is 102.3 at the time of adoption of the Plan.)

2.8 ***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 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:

$$\text{CP} = \text{CD} + \frac{\text{CD} \times (\text{CRP} - \text{CRC})}{\text{CRC}}$$

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.
- CRP is the contribution rate at the time of payment
- CRC is the contribution rate at the time of the original 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.

2.9 ***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 82A of 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.

2.10 ***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.

2.11 ***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 reprioritised. 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 Averys Village Contributions Area 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.

2.12 ***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 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 costing of works, as well as to review the development and demand assumptions of the 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 is the total cost of providing the facility including land and capital costs, including costs to be recouped (if applicable)
- P is the projected population increase or the anticipated increase in the number of lots over the life of the Plan
- AF is 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 by 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 summarised 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 required contributions.

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**

The land values shown in this Plan are based on notional englobo land values. \$100 per square metre has been used for the land cost of community facilities land, and \$60 per square metre for open space and recreation land. 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 Averys Village Contributions Area, 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 Averys Village Contributions Area. In general, the need for 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 Averys Village Contributions Area 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, Traffic, Drainage and Stormwater Management Facilities, and Plan Management and 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, sporting facilities, indoor sporting facilities.
Community Facilities	Multipurpose community space, child care facility, library, and cultural centre.
Road, Traffic, Drainage and Stormwater Management Facilities	Traffic facilities and road upgrading, provision of cycleways, related drainage and stormwater management.
Plan Management & Administration	Management of development contributions and works, and review of the 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 and details are provided to the extent to which they were known when this Plan was being prepared. 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.

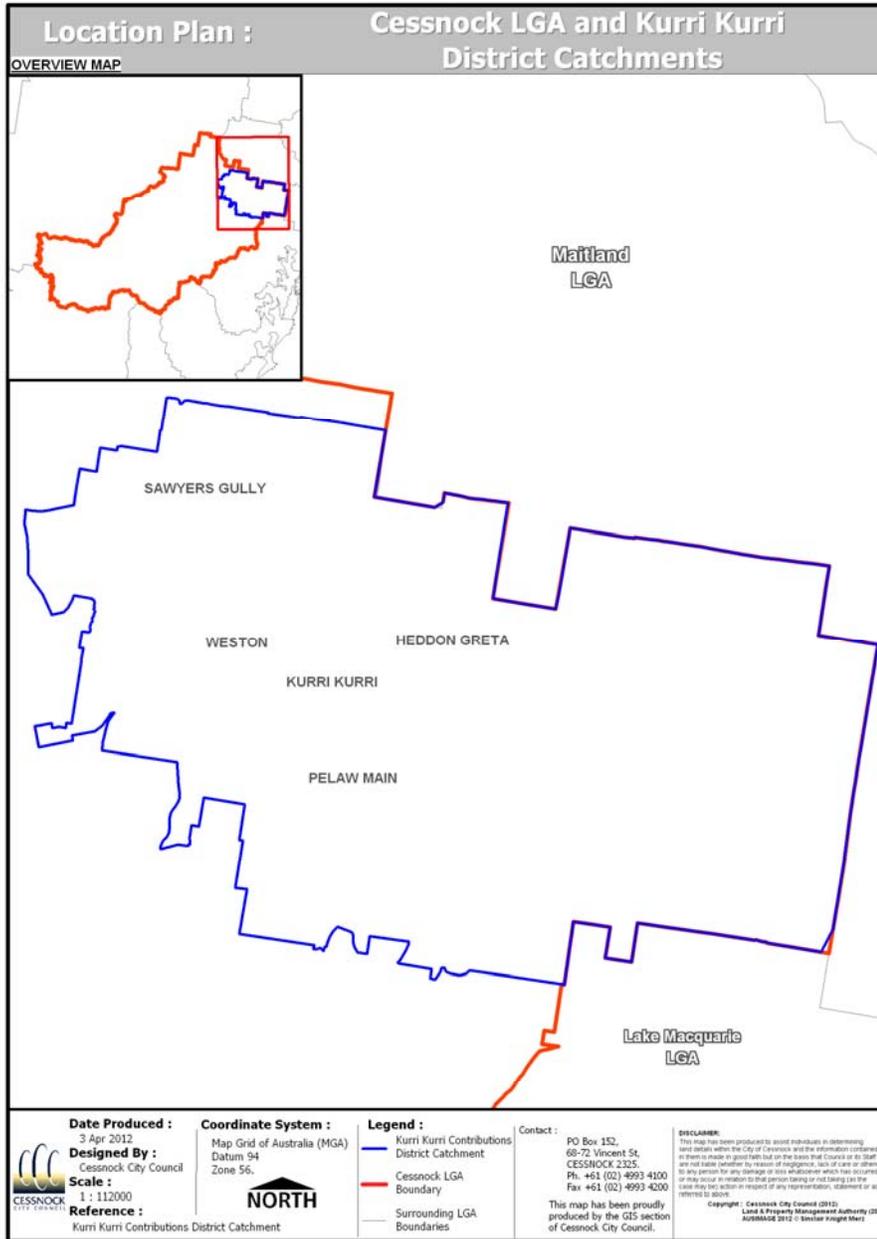
Centralised facilities which will service both the Averys Village Contributions Area and other communities within the Kurri Kurri Catchment District are located within the town of Kurri Kurri approximately 3 kilometres or 5 minutes drive from the Averys Village Contributions Area and will be funded from Section 94 on a proportionate population basis, i.e. 12.3% from Averys Village and 87.7% from the balance of the Kurri Kurri District Catchment.

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

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

Estimated resident population as per ABS 2006 Census	15,635
Add Estimated Population growth over development timeframe to 2026 as per DoPI predicted average annual growth rates	3,820
Estimated total population of Kurri Kurri District Catchment in 2026	<u>19,455</u>
Estimated increase in population of Averys Village Contributions Area. 960 lots x 2.5 persons per lot average	2,400
<u>Estimated Population new lots in the Averys Village Contributions Area</u> Estimated Population of Kurri Kurri District Catchment	<u>2,400</u> 19455
Apportionment %	<u>12.3%</u>

Figure 2 Kurri Kurri District Catchment Area



Centralised facilities which will service both the Averys Village Contributions Area and other communities within the Cessnock LGA Catchment are located within the regional city of Cessnock approximately 17 kilometres or 20 minutes drive from the Averys Village Contributions Area and will be funded from Section 94 on a proportionate population basis i.e. 4.0% from Averys Village and 96.0% from the balance of the Cessnock LGA Catchment.

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

Estimated resident population as per ABS 2006 Census	48,300
Add Estimated Population growth over development timeframe to 2026 as per DoPI predicted average annual growth rates	11,800
Estimated total population of Cessnock LGA Catchment in 2026	<u>60,100</u>
Estimated increase in population of Averys Village Contributions Area. 960 lots x 2.5 persons per lot average	2,400
<u>Estimated Population new lots in the Averys Village Contributions Area</u> Estimated Population of Kurri Cessnock LGA Catchment	<u>2,400</u> 60,100
Apportionment %	<u>4.0%</u>

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 the role of facilitating the provision of recreational and sporting and open space for local residents in the Averys Village Contributions Area.

Council has undertaken significant work 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 will 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 Averys Village Contributions Area 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 a substantial increase in the population of Heddon Greta 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 Kurri Kurri catchment.

The timing for the provision of facilities included in the Plan is outlined by way of the thresholds provided in the Work Schedule Table 2.

4.3 Contribution Catchment

Contributions for open space, recreational and sporting facilities are based on the requirements of sporting facilities of the Averys Village Contributions Area Catchment, however in relation to centralised services/amenities, contributions are based on the requirements of the overall Kurri Kurri District Catchment.

4.4 **Facilities Strategy**

The Recreation and Open Space Strategic Plan refers to the Department of Planning's standard benchmark for the provision of open space of 2.83 hectares per 1,000 people. On this basis, the population increase of 2,400 people in this precinct would require the dedication of just over 6.79 hectares for use as open space. Similar benchmarks have been included in the Department of Planning's draft Development Contributions Guidelines (2009) for a broad range of infrastructure types.

Rather than requiring the dedication of 6.79 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 Averys Village:-

1. Local Park / Playground

Two local parks are to be provided within the contributions area each 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 the 0 to teenage age bracket and incorporating a rubber safety surface and play unit.

The aggregate cost of the facilities is estimated at \$300,000 plus a land component cost notionally estimated at \$600,000 (see Section 3.5 Land Value).

2. Upgrading of Local Sports Facilities

It is proposed to develop a local sportsground within Averys Village. The sportsground will be a minimum area of 2 ha in size and meet the requirements of the guidelines contained in Council's Recreation & Open Space Strategic Plan 2009.

The estimated cost of these improvements is \$2,000,000, plus a land component notionally valued at \$1,200,000 (see Section 3.5 Land Value).

3. Upgraded Indoor Sporting Facilities

Provision has been made within the Plan for the expansion of this facility on the basis of:

- a) 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.
- b) The Recreation and Open Space Strategic Plan identifies major increased demand on Recreation Facilities within Cessnock LGA over the next 25 years based on the increased population forecast in the Lower Hunter Regional Strategy. At a local government area level, Cessnock LGA is nominated as one of the six designated growth areas with a substantial increase in new

housing (21,700 new dwellings). A significant amount of this housing will be located in the Kurri Kurri District catchment.

- c) More detailed information is contained in the NSW Statistical Local Area Population projections released by the Department of Planning and Infrastructure in April 2010 which projects a population increase of 19% in the Cessnock Local Government Area over the period of this Plan from 2011 to 2026.
- d) The benchmarks and other provisions of the Recreation and Open Space Strategic Plan identifies the need for this facility as a result of development at Averys Village.
- e) 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.
- f) Upgrading this facility 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.

The contributions towards additional capacity at the Kurri Kurri Aquatic Centre provided for within the Plan, are in accordance with Recreation and Open Space Guidelines to provide an indoor health and fitness facility to meet future requirements. The facility will be expanded to meet increased demand in the following way:

- Provision of a group fitness area
- Gymnasium
- Meeting Room
- Amenities
- Health assessment room
- Office

4.5 Apportionment

There is a direct relationship between the development of Averys Village Contributions Area and the provision of the proposed open space, recreational and sporting amenities and services. The local parks/playgrounds which will service the Averys Village Contributions Area will be fully funded from Section 94, i.e. 100% apportioned to the development.

Centralised facilities which will service both the Averys Village Contributions Area and other communities within the Kurri Kurri Catchment District are located within the town of Kurri Kurri approximately 3 kilometres or 5 minutes drive from the Averys Village Contributions Area and will be funded from Section 94 on a proportionate population basis, i.e. 12.3% from Averys Village and 87.7% from the balance of the Kurri Kurri District Catchment.

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 Works Schedule II – Table 1 of this Plan.

4.6.2 Calculations for Open Space, Recreational and Sporting Facilities

For the expected population increase of approximately 2375 people the following facilities will be required:

Facility	Cost	Standard of Provision	Apportionment	Contribution
2 x Local Playgrounds	\$300,000		100%	\$300,000
2 x Local Park/Playground land content	\$600,000	0.5 ha per facility	100%	\$600,000
Local Sports field and amenities	\$2,000,000		100%	\$2,000,000
Local sports field land content	\$1,200,000	2ha per facility	100%	\$1,200,000
Indoor health and fitness facility - Kurri Aquatic Centre	\$2,430,435	Estimated cost based on preliminary design brief	12.2% of Kurri District Catchment 2026 population	\$299,822
TOTAL				\$4,399,822

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

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

Where:

- C is the total apportioned capital cost of facilities
- P is the benefiting no. of people (new population)

$$= \frac{\$4,396,513}{2,400}$$

$$= \mathbf{\$1,833.26 \text{ contribution rate per person including land content}}$$

On the basis of the \$1,833.26 contribution rate per person, the Contributions for Open Space, Recreational and Sporting Facilities are calculated as follows.

One Bedroom Dwelling	\$1,833.26 per person	X	Occupancy rate of 1.5 persons	\$2,749.89
Two Bedroom Dwelling	\$1,833.26 per person	X	Occupancy rate of 2.0 persons	\$3,666.52
Three Bedroom (+) Dwelling or Per Lot	\$1,833.26 per person	X	Occupancy rate of 2.5 persons	\$4,583.15

Note: The above figures include a contribution for land acquisition based on a notional land value. The amount should be updated to reflect prevailing land values at the time of contribution.

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

Dedication of Land
Dedication (m² / person)
= $\frac{L}{P}$

Where:

- L is the total recreational/open space/sporting land requirements
- P is the total projected resident population.

$$= \frac{30,000 \text{ m}^2}{2,400}$$

$$= 12.5 \text{ m}^2 \text{ per person}$$

On the basis of 12.5 m² land dedication per person the Land Dedications for Open Space, Recreational and Sporting Facilities are calculated as follows:-

One bedroom dwelling	12.5 m ² per person	X	Occupancy rate of 1.5 persons	18.75 m² land dedication
Two bedroom dwelling	12.5 m ² per person	X	Occupancy rate of 2.0 persons	25.0 m² land dedication
Three bedroom (+) dwelling or per lot	12.5 m ² per person	X	Occupancy rate of 2.5 persons	31.25 m² 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 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 population of the Averys Village Contributions Area 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). There are no community facilities in the suburb of Heddon Greta, with nearby Kurri Kurri providing the services and facilities used by existing residents. Council will therefore need to provide additional community facilities, spaces and amenities, commensurate with the projected growth from the Averys Village Contributions Area.

Priorities identified by Council staff and included in 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 provision of adequate multipurpose community space. 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 local community facilities are based on the requirements of the Averys Village Contributions Area catchment, however in relation to centralised services and amenities, contributions are based on the requirements of the Kurri Kurri District Catchment and the Cessnock LGA 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 in the Local Government Area, 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 and Infrastructure.

Provisions made within the Plan are as follows:-

1. Development of multipurpose community space at Heddon Greta. 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 Averys Village will be 2400 people as a result of the projected development and this will necessitate provision of a multipurpose community facility

The estimated cost is \$1,816,023 for a 600 sq metre facility of which will be proportionally funded by the proposed development in relation to the demand level created by the development. If additional funds are not forthcoming from other sources, the facility will be scaled down to meet the available funds.

2. An upgraded and expanded Kurri Kurri Library. The current Kurri Kurri 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 adequate library facilities.

The required facility is estimated to have an area of 1,500 sq. metres, provide a comprehensive range of services/facilities, and cost \$5,214,500 based on half the estimated cost of the LGA wide district wide Library at Cessnock. 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 on the basis of apportioned demand.

3. 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.25I of the Environmental Planning and Assessment Regulation 2000. Residents of the proposed development will benefit from the 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 3 kilometres and 17 km respectively from the Averys Village Contributions Area.

5.5 Apportionment

This Plan adopts the approach of levying contributions based on demand for facilities generated by the development of the Averys Village Contributions Area 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 as Percentage of Catchment
Averys Village	0	0	2,400	-
Kurri District Catchment	15,635	16,347	19,455	12.3%
Cessnock LGA Catchment	48,300	50,500	60,100	4.0%

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

For the expected population increase of approximately 2375 people the following facilities will be provided.

Facility	Cost	Standard of Provision	Apportionment	Contribution
Multipurpose Community Space	\$1,816,023	750 square metre facility per 6,000 residents	2400/6000	\$726,409
Multipurpose Community Space land requirement	\$500,000	Requires 5,000 square metres for the facility	2400/6000	\$200,000
Child Care centre	\$1,947,250	100 place facility per 5,000 residents	2400/5000	\$934,680
Child Care Centre land requirement	\$464,000	Requires 46.4 square metres per child or 4,640 square metres per 100 place centre	2400/5000	\$222,720
Library expansion (Kurri Kurri)	\$5,214,500	State Library of NSW Standards of Provision	12.3% of Kurri District Catchment 2026 population	\$643,269
Performing Arts Centre (Cessnock)	\$8,100,000		4.0% of Cessnock LGA catchment	\$324,000
TOTAL				\$3,051,078

Further details are provided in Works Schedule II – Table 3 of this Plan.

The contribution formula for community buildings component is therefore:

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

Where:

- C is the total apportioned capital costs of facilities
- P is the benefiting number of people

$$\frac{\$3,051,078}{2,400}$$

= \$1,271.28 contribution rate per person

On the basis of a \$1271.28 contribution rate per person, the contributions for Community Facilities are calculated as follows:-

One Bedroom Dwelling	\$1,271.28 Per Person	X	Occupancy Rate of 1.5 persons	\$1,906.92 contribution
Two Bedroom Dwelling	\$1,271.28 Per Person	X	Occupancy Rate of 2.0 persons	\$2,542.57 contribution
Three Bedroom (+) Dwelling or Per Lot	\$1,271.28 Per Person	X	Occupancy Rate of 2.5 persons	\$3,178.21 contribution

Land Content

Note: The above figures include a contribution for land acquisition based on a notional land value. The amount should be updated to reflect prevailing land values at the time of contribution.

The formula for the dedication of land for community facilities is:

$$\frac{\text{Dedication of land}}{\text{People}}$$

$$= \frac{L}{P}$$

Where:

- L is the total community facilities land requirements (child care centre and multipurpose community space only)
- P is the total projected resident population.

$$\frac{4,227 \text{ m}^2}{2,400}$$

$$= 1.76 \text{ m}^2 \text{ person}$$

On the basis of 1.76 m² land dedication per person the land dedications for community facilities are calculated as follows:-

One bedroom dwelling	1.76 m ² per person	X	Occupancy rate of 1.5 persons	2.66 m² land dedication
Two bedroom dwelling	1.76 m ² per person	X	Occupancy rate of 2.0 persons	3.52 m² land dedication
Three bedroom (+) dwelling or per lot	1.76 m ² per person	X	Occupancy rate of 2.5 persons	4.4 m² land dedication

PART C - ROADS TRAFFIC DRAINAGE AND STORMWATER MANAGEMENT

6.1 Introduction

The road works, 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 Averys Village Contributions Area.

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;
- Planning Proposal- Averys Village – RPS Goup

6.2 Nexus

The ramifications of the proposed rezoning/subdivision are:-

- Intensification of development;
- Increased traffic movements along Averys Lane/Heddon Street;
- Increased traffic movements taking a “short cut” along Adams and Stanford Streets to Main Road;
- Increased turning movements at the intersection of Heddon Street and Main Road;
- A need for cyclists and pedestrians to safely access the existing village of Heddon Greta and the shops, 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:-

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

A specific schedule of necessary works for road, traffic, drainage and stormwater management infrastructure to convert the infrastructure in the area to the necessary

urban standards has been identified together with development thresholds. 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, updated traffic modelling, State Government planning policy and available funding.

6.3 Contributions Catchment

The Section 94 contributions for the road, traffic, drainage and stormwater management infrastructure have been determined on the basis of requirements generated by the Averys Village Contributions Area. 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 list of proposed road, traffic, drainage and stormwater management infrastructure works and costs within the Averys Village Contributions Area is provided in the attached works schedule.

6.5 Calculation of Contribution

Estimated apportioned capital costs for the proposed works were prepared by Cessnock City Council and amount to \$6,731,297.

Full details are provided in Works Schedule Table 4 of this Plan.

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

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

Where:

- C is the apportioned capital costs of facility
- P is the benefiting no. of people

$$= \frac{\$6,731,297}{2,400}$$

$$= \mathbf{\$2,804.71 \text{ per person}}$$

On the basis of a \$2,804.71 contribution rate per person the contributions for Roads Traffic Drainage & Stormwater Management are as follows:-

One bedroom dwelling	\$2804.71 per person	X	Occupancy rate of 1.5 persons	\$4,207.06 contribution
Two bedroom dwelling	\$2804.71 person	X	Occupancy rate of 2.0 persons	\$5,609.41 contribution
Three bedroom (+) dwelling or per lot	\$2804.71 per person	X	Occupancy rate of 2.5 persons	\$7,011.77 contribution

PART D - PLAN MANAGEMENT & ADMINISTRATION

7.1 Nexus

The preparation and administration of a Section 94 plan is time consuming and costly. Council employs staff that coordinates 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 Averys Village Contributions Area. 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.

7.4 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	\$20,000
Management/Review	<u>\$141,822</u>
Total	\$161,822

The cost of management/review of this Plan has been set at 1% of the total Plan cost.

The contribution formula for plan Management and Administration is:-

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

Where:

- C is the cost of plan management and administration
- P is the benefiting number of people

$$= \frac{\$161,822}{2,400}$$

= \$67.43 contribution rate per person

On the basis of a \$67.43 contribution rate per person, the contributions for Plan Management and Administration are calculated as follows:-

One bedroom dwelling	\$67.43 per person	X	Occupancy rate of 1.5 persons	\$101.14 contribution
Two bedroom dwelling	\$67.43 per person	X	Occupancy rate of 2.0 persons	\$134.85 contribution
Three bedroom (+) dwelling or per lot	\$67.43 per person	X	Occupancy rate of 2.5 persons	\$168.56 contribution

SECTION 5 – SUPPORTING DOCUMENTATION

SCHEDULE I: Demographics and Expected Types of Development

SCHEDULE II: Work Schedules

SCHEDULE 1 – DEMOGRAPHICS & EXPECTED TYPES OF DEVELOPMENT

Existing Population Characteristics

The key demographic characteristics of the Cessnock LGA have remained relatively unchanged over the last census period (2006-2011) 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 higher rates with no qualifications working in lower skilled occupations;
- It has very high rates of home ownership and slightly higher rates of vehicle ownership, and
- 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 ageing 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 Dwelling Occupancy				
Year	Population	Population in occ private dwellings	Dwellings (Occ. private)	Av people/ occ private dwelling
2001	45,071	43,443	16,516	2.63
2006	46,206	43,287	16,664	2.60
2011	50,840	49,010	18,997	2.58

Source: ABS 2068.0

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 and Infrastructure provide further basis for the projections of population and household sizes in the Cessnock Local Government Area:-

Cessnock LGA Population & Household Size (people)			
Year	Total Population	Average Household Size Newcastle Region	Average Household Size Cessnock (Estimated)
2016	53,100	2.36	2.58
2021	56,500	2.30	2.52
2026	60,100	2.25	2.45

** Assumes Cessnock household size declines at the same rate as the Newcastle Region.*

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 Department of Planning and Infrastructure (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 Averys Village Contributions Area because of the popularity of new urban areas, locational advantages of the area and the potential demand for housing. A population growth of between 125 and 150 new residents is predicted annually, or on average the release of 50 to 60 residential allotments each year. For the purpose of this plan, a linear of population growth is used, hence it is expected that an average of 50 to 60 dwellings will be released each year, although in some years plans may be exceeded or not achieved.

An ultimate population of approximately 2,400 additional residents may call Averys Village home.

Residential development will contain a mix of separate dwellings, and larger lot residential housing. The target density per hectare proposed for the Averys Village Contributions Area is as follows:

- Low density residential – 10 dwellings per hectare.
- Small lot residential – 15 dwellings per hectare.

This Plan assumes that most lots have the capacity for 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)	Notional Land Cost	AF (%)	Apportioned Land Cost	Timing (lot %)
Local Park	0.5 x 2	\$600,000	100%	\$600,000	10%, 50%
Sportsfield	2.0	\$1,200,000	100%	\$1,200,000	50%
Child Care Centre	0.46	\$464,000	48%	\$222,700	50%
Multipurpose community space	0.5	\$500,000	40%	\$200,000	50%
TOTAL	3.96	\$2,764,000		\$2,222,700	
Per lot				\$2,315.33	

TABLE 2 - OPEN SPACE/RECREATIONAL/SPORTING FACILITIES

Service/Facilities	Capital Cost	AF%	Apportioned. Capital Cost \$	Timing (lot %)
Provide 2 x Local Parks and Playgrounds – Averys Village/Heddon Greta	\$300,000	100%	\$300,000	10%,50%
Provide local sports fields and associated facilities	\$2,000,000	100%	\$2,000,000	50%
Health and Fitness facility Kurri Aquatic Centre	\$2,430,000	12.3%	\$299,822	50%
TOTAL	\$4,730,000		\$2,599,822	
Per Lot			\$ 2,708.15	

TABLE 3 - COMMUNITY FACILITIES

Service/Facility	Total Cost	AF%	Apportioned. Capital Cost	Timing (lot %)
Local child care centre	\$1,947,250	48%	\$934,680	10, 50
Local multipurpose community space	\$1,816,023	39.5%	\$726,409	100
Kurri Kurri Library expansion	\$5,214,500	12.3%	\$643,269	50
Cessnock Performing Arts Centre	\$8,100,000	4.0%	\$324,000	0
TOTAL	\$17,077,773		\$2,628,358	
Per Lot			\$2,737.87	

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 950 total lots.

TABLE 4 – ROADS TRAFFIC and related DRAINAGE & STORMWATER MANAGEMENT FACILITIES (Council around school option)

Location	Description	Capital Cost	AF Apportionment to Averys Village	Apportioned Capital Cost to Averys Village	Apportioned Capital Cost to Council	Estimated Timing
Intersection of Main Road and Heddon Street	Upgrade to intersection to traffic signals (RMS)	\$2,200,000	100%	\$2,200,000	0	Installation of signals in the medium to long term; intersection improvements in the short term.
Heddon St-Main Road to Clift Street	Reconstruct road with kerb and drainage	\$480,000	100%	\$480,000	0	Short term
Averys Lane Clift Street to subdivision	Reconstruct with kerb and drainage	\$1,320,000	100%	\$1,320,000	0	Short term
Adams St- Heddon Street to Stanford Street	Reconstruct road with kerb and drainage	\$378,000	96%	\$363,636	\$14,364	Medium term
Stanford Street-Main Road to Clift Street	Reconstruct road with kerb and drainage	\$180,000	96%	\$173,160	\$6,840	Medium term
Averys Lane- John Renshaw Drive to south end of subdivision	Reconstruct to rural standards	\$1,350,000	100%	\$1,350,000		Medium term
Averys Lane at north connection to subdivision	Construct traffic management device to reduce vehicle speeds	\$190,000	100%	\$190,000		Short term
Averys Lane at south connection to	Construct single lane roundabout	\$190,000	100%	\$190,000		Medium term

Location	Description	Capital Cost	AF Apportionment to Averys Village	Apportioned Capital Cost to Averys Village	Apportioned Capital Cost to Council	Estimated Timing
subdivision						
Averys Lane- within proposed subdivision	Construct 8 indented bus stops with all weather shelters	\$200,000	100%	\$200,000		Throughout the development period
Averys Lane and Heddon Street - proposed subdivision to Main Road Heddon Greta	Construct off road concrete bicycle pedestrian path	\$225,000	100%	\$225,000		Short term
Main Road Heddon Greta- Heddon Street to Stanford Street	Construct off road concrete bicycle pedestrian path	\$63,000	63%	\$39,501	\$23,499	Short term
Total		\$6,776,000		\$6,731,297	\$44,703	
Per lot				\$7,011.77		

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

REFERENCES

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

1. Australian Bureau of Statistics (2006, 2011), Census of Population and Housing
2. Cessnock City Council (2006) Residential Section 94 Contribution Plan
3. Cessnock City Council (2003), Cessnock Community Profile
4. Cessnock City Council (2005), Cessnock Bike Plan
5. Cessnock City Council (2010), Cessnock Settlement Strategy
6. Cessnock City Council (2008), Recreation & Open Space Strategic Plan
7. Department of Planning (2005), Development Contribution Practice Notes
8. Department of Planning (2007), Planning Circular PS07-018
9. Department of Planning and infrastructure (2010), NSW SLA Population Projections, 2006 to 2036
10. Department of Planning and Infrastructure (2011), PS 11-012 Section 94E Direction- Development Contributions.
11. Environmental Planning and Assessment Act, 1979
12. Environmental Planning and Assessment Amendment (Development Contributions) Regulations, 2005
13. Environmental Planning and Assessment regulation, 2000
14. Heather Nesbit Planning (2005), People Places – A guide for Public Library Buildings in New South Wales, 2nd edition
15. Mark Waugh Pty Ltd., Traffic Impact Assessment – Proposed Residential Rezoning Averys Village Contributions District NSW
16. Minister for Planning and Infrastructure (2012), Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012.
17. RPS consultants Planning Proposal Averys Village
18. State Library of NSW, Public Library Building Guidelines