



NULKABA

SECTION 94 CONTRIBUTIONS PLAN 2014

Nulkaba Section 94 Contributions Plan 2014

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TABLE OF CONTENTS

TABLE OF CONTENTS	3
Executive Summary	5
1.1 Name of the Plan	8
1.2 Commencement of Plan	8
1.3 Purpose of the Plan	8
1.4 Area to Which the Plan Applies	9
1.5 Types of Development to which this Plan applies	9
1.6 Seniors Living and Housing for People with a Disability	10
1.7 Other development not specified in the Plan	10
1.8 Relationship to other Plans and Policies	10
SECTION 2 – OPERATION OF THE PLAN	11
2.1 Method of Operation - Authorisation	11
2.2 Types of Contributions	11
2.2.1 Monetary contribution	11
2.2.2 Dedication of land	11
2.2.3 Works in Kind / Material Public Benefits	11
2.2.4 Planning Agreements	12
2.3 Payment of the Contribution	13
2.3.1 Timing of Payments	13
2.3.2 Deferred or Periodic Payments	13
2.4 Complying Development	14
2.5 Construction Certificates	14
2.6 Goods and Services Tax	14
2.7 Adjusting Contribution Rates	14
2.8 Adjusting Contributions at the Time of Payment	15
2.9 Reassessment of Contributions	15
2.10 Review of the Plan	15
2.11 Funding and Timing of Works	15
2.12 Pooling of Contributions	16
SECTION 3 – ADMINISTRATION OF THE PLAN	17
3.1 Management Costs of the Plan	17
3.2 Explanation of Contribution Formulae	17
3.3 Allowances for existing development	17
3.4 Occupancy rates	17
3.5 Land Values	18
SECTION 4 – STRATEGY PLANS	19
PART A - OPEN SPACE/RECREATIONAL/SPORTING FACILITIES	20
4.1 Introduction	20

4.2	Nexus	20
4.3	Contribution Catchment	20
4.4	Facilities Strategy	20
4.5.1	<i>Background</i>	22
4.5.2	<i>Calculations for Open Space, Recreational and Sporting Facilities</i>	22
PART B - COMMUNITY FACILITIES		25
5.1	Introduction	25
5.2	Nexus	25
5.3	Contributions Catchment	25
5.4	Facilities Strategy	25
5.5	Apportionment	26
5.6	Calculation of Contribution	26
PART C – TRANSPORT		29
6.1	Introduction	29
6.2	Nexus	29
6.3	Contributions Catchment	30
6.4	Facilities Strategy	30
6.5	Apportionment	30
6.6	Calculation of Contribution	31
PART D - PLAN MANAGEMENT & ADMINISTRATION		42
7.1	Nexus	42
7.2	Contribution Catchment	42
7.3	Facilities Strategy	42
SECTION 5 – SUPPORTING DOCUMENTATION		43
SCHEDULE I – DEMOGRAPHICS & EXPECTED TYPES OF DEVELOPMENT.....		44
SCHEDULE II – WORK SCHEDULES.....		46
REFERENCES		53

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 suburb of Nulkaba approximately 2.5 kilometres from the Cessnock City Centre. This land includes the Valley View Place and BC10 precincts identified as an Urban Release Area in the Cessnock Local Environmental Plan 2011.

The Nulkaba Contributions Area involves an estimated total potential yield of 693 lots comprising 470 potential additional lots and 223 existing lots, resulting in a total population of approximately 2,178 people, increasing by 1,504 people over a 10 to 15 year timeframe. For the purpose of apportionment, calculations in this Plan are based on a 15 year timeframe. 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 growth in population within the Nulkaba Contributions Area. To assist in apportioning contribution rates equitably, the Contributions Area has been subdivided into 5 subareas-

- Subarea 1. North of Fletcher Street including the Valley View Place Precinct;
- Subarea 2. North of Fletcher Street with access from McKensey or Perris Streets;
- Subarea 3. South of Fletcher Street including the Pinchen Street Precinct;
- Subarea 4. South of Fletcher Street including the South West Precinct; and
- Subarea 5. South of Fletcher Street excluding the Pinchen Street and South West Precincts.

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

Technical/background studies have been undertaken to accurately determine the transport / traffic infrastructure required to meet the demands of the additional 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 calculated demand forms the basis of levying contributions on new development as set out in the Plan.

iii. Services and Amenities

The increased population stemming from new development in the Nulkaba 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 the Nulkaba Contributions Area include the following:

- Open space, recreational, and sporting facilities.
- Community facilities;
- Transport infrastructure;

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 details of each category of public services and amenities in the Plan, including nexus, catchments, standards of provision, 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 Nulkaba Contributions Area:-

Subarea1- North of Fletcher Street including the Valley View Place Precinct

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling
Open Space Recreational Sporting Facilities	\$553.58	\$830.37	\$1,107.17	\$1,771.46
Community Facilities	\$698.44	\$1,047.66	\$1,396.89	\$2,235.02
Transport Infrastructure	\$3,856.97	\$5,785.45	\$7,713.93	\$12,342.29
Plan Management Administration	\$38.56	\$57.85	\$77.13	\$123.40
TOTAL	\$5,147.55	\$7,721.33	\$10,295.12	\$16,472.17

Subarea 2. North of Fletcher Street with access from McKensy and Perris Streets

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling
Open Space Recreational Sporting Facilities	\$553.58	\$830.37	\$1,107.17	\$1,771.46
Community Facilities	\$698.44	\$1,047.66	\$1,396.89	\$2,235.02
Transport Infrastructure	\$2,991.57	\$4,487.36	\$5,983.14	\$9,573.02
Plan Management Administration	\$38.56	\$57.85	\$77.13	\$123.40
TOTAL	\$4,282.15	\$6,423.24	\$8,564.33	\$13,702.90

Subarea 3. South of Fletcher Street including the Pinchen Street Precinct

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling
Open Space Recreational Sporting Facilities	\$553.58	\$830.37	\$1,107.17	\$1,771.46
Community Facilities	\$698.44	\$1,047.66	\$1,396.89	\$2,235.02
Transport Infrastructure	\$3,406.67	\$5,110.00	\$6,813.34	\$10,901.34
Plan Management Administration	\$38.56	\$57.85	\$77.13	\$123.40
TOTAL	\$4,697.25	\$7,045.88	\$9,394.53	\$15,031.22

Subarea 4. South of Fletcher Street including the South West Precinct.

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling
Open Space Recreational Sporting Facilities	\$553.58	\$830.37	\$1,107.17	\$1,771.46
Community Facilities	\$698.44	\$1,047.66	\$1,396.89	\$2,235.02
Transport Infrastructure	\$3,063.74	\$4,595.61	\$6,127.47	\$9,803.96
Plan Management Administration	\$38.56	\$57.85	\$77.13	\$123.40
TOTAL	\$4,354.32	\$6,531.49	\$8,708.66	\$13,933.84

Subarea 5. South of Fletcher St excluding the Pinchen St and South West Precincts.

Contribution Type	Per Person	One Bedroom Dwelling	Two Bedroom Dwelling	Three Bedroom (+) Dwelling
Open Space Recreational Sporting Facilities	\$553.58	\$830.37	\$1,107.17	\$1,771.46
Community Facilities	\$698.44	\$1,047.66	\$1,396.89	\$2,235.02
Transport Infrastructure	\$2,523.78	\$3,785.68	\$5,047.57	\$8,076.11
Plan Management Administration	\$38.56	\$57.85	\$77.13	\$123.40
TOTAL	\$3,814.36	\$5,721.56	\$7,628.76	\$12,205.99

SECTION 1 – INTRODUCTION

1.1 *Name of the Plan*

This Plan is referred to as the Nulkaba 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 Environment 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 **27 August 2014**. 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 as a result of proposed development to meet the needs of incoming residents in the Nulkaba Contributions Area. 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:

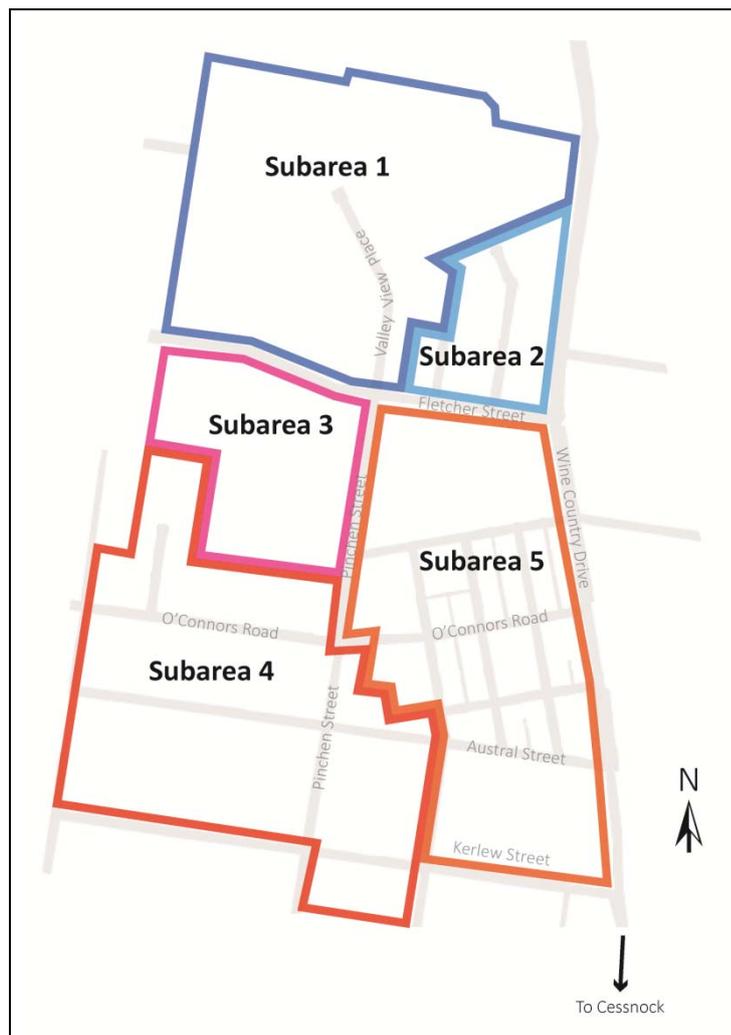
- Provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the provision of public services and amenities on an equitable basis;
- Identify the additional services and amenities required to meet the demands of the incoming population of the Nulkaba 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 Nulkaba Contributions Area in the Cessnock Local Government Area, as illustrated in Figure 1 below. Figure 1 also shows the boundaries of the Subareas:

1. North of Fletcher Street including the Valley View Place Precinct;
2. North of Fletcher Street with access from McKensy or Perris Streets;
3. South of Fletcher Street including the Pinchen Street Precinct;
4. South of Fletcher Street including the South West Precinct; and
5. South of Fletcher Street excluding the Pinchen Street and South West Precincts.

Figure 1: Map showing Subareas 1, 2, 3, 4 and 5 under Nulkaba Plan



1.5 **Types of Development to which this Plan applies**

This Plan applies to any development permissible with consent under Cessnock LEP 2011 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 public services and amenities and adds incrementally to the demand for these public amenities and services. Older people with disabilities enjoy the current level of 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 Council facilities.

Further development of any sort within the catchment areas to which the Plan applies will lead to an increase demand on transport 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 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 on the subject land. There may however be other types of development not specified in this Plan that generate 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 Nulkaba 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)
 - Car Parking Contributions Plan (2001)

These Plans do not apply to the Nulkaba Contributions Area, with the exception of the Tourism Contributions Plan which may apply in place of this Plan if development of that type is proposed.

- (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;
- 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 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 and amount payable will be included as a condition of consent on any development approval or Complying Development Certificate 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 specified in the Works Schedule or reviewed Works Schedule accompanying this Plan, in order to meet the demand 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 MPB 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 a contribution or levy would otherwise 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 the 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, and 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 Certificate, 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 2.6).

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 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, 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 2000, 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 2000. 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.

2.6 **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 2000, 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:

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

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 **105.6** 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) 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.

2.10 ***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 Nulkaba 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 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 = 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 = 3.2 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.

The occupancy rates have been determined from the 2011 Census statistics for Nulkaba that show an average occupancy rate of 3.2 people per dwelling. This rate is typical of urban fringe areas with larger lots. It is noted that the Valley View Place Precinct has a relatively large minimum lot size for contemporary fringe urban suburban areas, and that it is likely to have an occupancy rate higher than those above (typically 3.0) because of the larger lot size and nature of the location.

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	3.2

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 Nulkaba Contributions 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 the Nulkaba Contributions Area. In general, the need for and increased usage of public facilities 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 the Nulkaba 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, Transport, Drainage and Stormwater 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, enhancement of existing sporting facilities, aquatic and indoor sporting facilities.
Community Facilities	Library, Cultural Centre and community hall.
Transport Facilities	Traffic facilities and road upgrading, provision of cycleways, related 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 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.

Centralised facilities which will service both the Contributions Area and other communities within the Cessnock Catchment District are located within the town of Cessnock approximately 4 kilometres or 5 minutes drive from Nulkaba and will be funded from Section 94 on a proportionate population basis/ per lot based on benchmark populations or standards for specific facility types.

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 the Nulkaba Contributions Area.

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 Nulkaba 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 the increase in 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 and LGA wide facilities provided within the Cessnock District and Cessnock LGA catchments.

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 the Nulkaba Contributions Area Catchment, however in relation to centralised services/amenities; contributions are based on the requirements of the overall Cessnock District and Cessnock LGA catchments.

4.4 **Facilities Strategy**

The Recreation and Open Space Strategic Plan refers to the former Department of Planning'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 1,504 people in this precinct would require the dedication of just over 0.94 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 1.21 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 in the Valley View Place urban release area:

1. Local Park / Playground

The existing local park in Nulkaba is to be upgraded to cater for the increased population. It would meet the requirements of Council's Recreation and Open Space Guidelines. Specifications for the local park 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. No contribution for land is required because the existing local park is already owned by Council.

The cost of the facility is estimated at \$150,000. This amount is then adjusted pro rata on the basis on one local park/ playground per 1,000 residents. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$150.00.

2. Upgrading of Local Sports Facilities

It is not proposed to develop a sporting facility within the suburb of Nulkaba. It is proposed to upgrade the capacity of nearby Drain Oval to cater for the increased demand from Valley View Place. The improvements to facilities include formalised car parking, additional amenities and ground improvements.

Council officers have assessed the need to augment the existing facilities at Drain Oval in order to cater for the increased demand resulting from new development at Nulkaba. The overall cost of the augmented facilities has been calculated and has been used to determine a pro rata contribution based on the estimated additional lots expected to be developed within the Nulkaba Contributions area. No contribution for land is required because Drain Oval is already owned by Council, resulting in a lower contribution cost than would otherwise be the case.

The estimated cost of augmenting facilities at Drain Oval, to cater for demand from anticipated development in Nulkaba overall, expressed in March 2014 dollars is \$253,119.00. This cost has been pro rated for the expected additional population of the Nulkaba Contributions Area Catchment. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$168.30.

3. Upgraded Aquatic and Indoor Sporting Facilities

Provision has been made within the Plan to cater for additional demand for these major facilities on the basis of:

- 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.
- The Recreation and Open Space Strategic Plan identifies major increased demand on Recreation Facilities within the town of Cessnock over the next 25 years based on the 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).
- The benchmarks and other provisions of the Recreation and Open Space Strategic Plan identifies the need for these facilities as a result of new development within the Nulkaba Contributions Area.
- Community consultation undertaken as part of the formulation of the Recreation and Open Space Strategic Plan endorsed the proposal that Council build high quality sporting or recreational facilities in a centralised location rather than a larger number of local facilities of lesser quality.
- 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. The demand for such facilities is recognised and a proportionate contribution from this development is appropriate.

- The importance of Council continuing to provide and augment aquatic facilities in response to demand is identified in Council's Recreation and Open Space Strategic Plan
 - i. It will be necessary to augment aquatic facilities at Cessnock to cater for the increased demand arising from new development, such as that anticipated in the Nulkaba Contributions Area
 - ii. Accordingly, contributions for these augmented facilities has been determined on the basis of per person CPI indexed costs of providing a similar facility at Kurri Kurri as described in the Cessnock City Wide Residential Section 94 Plan.
 - iii. The estimated cost of the facility expressed in March 2014 dollars is \$4,885,801.98.
 - iv. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$140.56.
- The importance of Council continuing to develop the Cessnock Indoor Sport Centre in response to demand is identified in Council's Recreation and Open Space Strategic Plan
 - i. It will be necessary to augment the Cessnock Indoor Sports Centre to cater for the increased demand arising from new development, such as that anticipated in the Nulkaba Contributions Area
 - ii. Contributions are based on estimated cost of an indoor facility expressed in March 2014 dollars of \$5,683,530.69.
 - iii. Such a facility would cater for a catchment of 60,000 people
 - iv. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$94.73

Apportionment

There is a direct relationship between the development of the Nulkaba Contributions Area and the provision of the proposed open space, recreational and sporting amenities and services. Contributions have been determined by apportioning the per person cost of providing a specific facility relative to the catchment size of that facility, or by applying an already calculated per person cost of facility provision from the Cessnock Residential Section 94 Contributions Plan.

Calculation of Contribution

4.5.1 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 2 of this Plan.

4.5.2 Calculations for Open Space, Recreational and Sporting Facilities

For the expected population increase of approximately 1504 people the following facilities will be provided:

Calculation of per lot contribution:

	Cost	Base	Benefiting people 470 lots@ 3.2 people/lot	Cost per person	Cost per lot	
			1504			
Playground	\$150,000.00	1000	1504	\$150.00	\$480.00	
Sporting facilities upgrade (Drain Oval) 2 ha min standard	\$253,119.00		1504	\$168.30	\$538.55	470 potential lots@3.2 person/lot
Indoor Sports facility	\$5,683,530.69	60,000	1504	\$94.73	\$303.12	Catchment for full centre is 60,000 people
Aquatic facility	\$4,885,810.98		1504	\$140.56	\$449.79	Based on indexed cost of Kurri Centre in existing City Wide Residential Plan
Subtotal				\$553.58	\$1,771.46	

On the basis of the \$553.58 contribution rate per person, the Contributions for Open Space, Recreational and Sporting Facilities are calculated as follows.

One bedroom dwelling	\$553.58 per person	X	Occupancy rate of 1.5 persons	\$830.37 contribution
Two bedroom dwelling	\$553.58 per person	X	Occupancy rate of 2.0 persons	\$1,107.17 contribution
Three bedroom (+) dwelling or per Lot	\$553.58 per person	X	Occupancy rate of 3.2 persons	\$1,771.46 contribution

Special note: Subarea 2: North of Fletcher Street with access from McKensey or Perris Streets

Provision has been made in this Plan for the levying of contributions to meet the demand for facilities created by new development in Subarea 2. The level of contributions for Open Space/Recreational/Sporting Facilities is the same as for the other Subareas due to the per capita standards used to determine the contribution rate.

It is anticipated that no subdivision or residential intensification of Subarea 2 will occur during the Plan period. As a result no contributions are expected to be received from new development. However, contribution rate has been calculated for new development to which this Plan applies, should this occur.

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 Nulkaba 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). Council will therefore need to provide additional community facilities space and amenities, commensurate with the projected growth from the Nulkaba Contributions Area.

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 augmentation of the North End Community Hall. The expansion of cultural infrastructure in recent years by the provision of a 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 proportionally based on the requirements of the Nulkaba Contributions Area catchment, however in relation to centralised services and amenities, contributions are based on the requirements of the Cessnock District Catchment or Cessnock LGA, as appropriate.

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. Expansion of multipurpose community facilities at the North End 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 Nulkaba will increase from approximately 552 (2011) to 2,056 (2026) persons as a result of projected development and this will necessitate expansion of the community hall (located just over 1.5 kilometres from the Contribution Area) to incorporate additional facilities such as, storage and access improvements, kitchen upgrade, landscaping and car-parking improvements. The estimated cost has been based on a pro rata cost of a new facility applied to a benchmark standard of a 900 square metre multipurpose facility per 17,500 residents. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$162.19.
2. An increased capacity for 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 \$14,549,838.54 (March 2014 indexed) 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. Residents of the proposed development will benefit from provision of the Library facilities and the contribution is sought on an apportioned basis of one library of this standard per 34,000 residents (NSW State Library standard). The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$427.94.

3. A contribution is also sought towards the Cultural and Performing Arts Centre, which was built recently to provide for the cultural needs of both current and future population. The \$9,207,319.70 cost of the facility (March 2014 indexed) 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 provision of the Centre and the contribution is sought on an apportioned basis in the basis of a per capita cost based on a catchment for the facility of 85,000 people. The estimated per person contribution towards augmentation of the facility expressed in March 2014 dollars is \$108.32.

The centralised library and cultural facilities are located approximately 4 kilometres or 10 minutes drive from the Nulkaba Contribution Area.

5.5 **Apportionment**

This Plan adopts the approach of levying contributions based on demand for facilities generated by the development of the Nulkaba Contribution Area calculated on the basis of a per capita rate calculated on a specified standard of provision. 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.

5.6 **Calculation of Contribution**

The total apportioned capital cost component for the provision of community buildings for the new population is comprised of:-

All Subareas

Facility	Cost	Standard of Provision	Apportionment	Contribution
Multipurpose Community Space-increase capacity of existing North End facility	\$2,838,245.00	900 square metre multipurpose facility per 17,500 residents	$1504/17,500 = 8.59\%$	\$243,926.88
Library expansion (Cessnock)	\$14,549,838.54	State Library of NSW Standards of Provision	$1504/34,000 = 4.42\%$	\$643,616.39
Performing Arts Centre (Cessnock)	\$9,207,319.70	Per 80,000 residents	$1504/85,000 = 1.77\%$	\$162,915.40
TOTAL	\$26,595,403.24		3.95%	\$1,050,458.67

The contribution formula for community buildings component is therefore:

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

where:

- C= Total apportioned capital costs of facilities
- P= Benefiting no. of people

	Cost	Base	Benefiting people 470 lots @ 3.2 people/lot	Cost per person	Cost per lot	
			1504			
Increase space of existing multipurpose hall at North End on basis of 750 sqm per 6000 people	\$2,838,245.00	17,500	1504	\$162.19	\$518.99	Facility changed to a 900m ² facility servicing 15,000 to 20,000 people. Catchment of 17,500 used. Based on Rawlinson 2014 civic buildings
Library expansion (Cessnock) on basis of lower than State Library of NSW standard (20,000)	\$14,549,838.54	34,000	1504	\$427.94	\$1,369.40	Catchment revised to 34,000 consistent with the State Library NSW People Places guidelines for Library facilities. Cost of facility indexed.
Performing Arts Centre (Cessnock) on basis of proportion of LGA population	\$9,207,319.70	85,000	1504	\$108.32	\$346.63	Catchment revised based on service catchment for facility. These standards have recently been reviewed by Council. Cost of facility indexed actual construction cost.
Subtotal				\$698.44	\$2,235.02	

On the basis of a \$698.44 contribution rate per person, the contributions for Community Facilities are calculated as follows:-

One bedroom dwelling	\$ 698.44 per person	X	Occupancy rate of 1.5 persons	\$1,047.66 contribution
Two bedroom dwelling	\$698.44 per person	X	Occupancy rate of 2.0 persons	\$1,396.89 contribution
Three bedroom (+) dwelling or per Lot	\$698.44 per person	X	Occupancy rate of 3.2 persons	\$2,235.02 contribution

Special note: Subarea 2: North of Fletcher Street with access from McKensey or Perris Streets

Provision has been made in this Plan for the levying of contributions to meet the demand for facilities created by new development in Subarea 2. The level of contributions for Community Facilities is the same as for the other Subareas due to the per capita standards used to determine the contribution rate.

It is anticipated that no subdivision or residential intensification of Subarea 2 will occur during the Plan period. As a result, no contributions are expected to be received from new development. However, contribution rate has been calculated for new development to which this Plan applies, should this occur.

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

PART C – TRANSPORT

6.1 **Introduction**

The transport facilities provided for in this Plan are required to meet the increase in transport needs from new development within the Nulkaba Contributions Area.

The key documents supporting these works are identified below:

- Cessnock City Council S.94 Review (including review of other documents below);
- Cessnock City Council (2005), Cessnock Bike Plan
- Cessnock City Council (2010), Cessnock City Wide Settlement Strategy
- JWP Planning (2005), Rezoning Submission – Valley View Place (for Austmark Properties)
- Hunter Development Brokerage Master Plan for Rural Residential Development- Master Plan and Background Reports (in support of a rezoning proposal)
- Martens Consulting Engineers (2005), Stormwater and Flooding Assessment-
- Northrop (2005), Flooding and Stormwater Management assessment for the Rezoning of Lot 91, 92 and adjoining lots Valley View Place Nulkaba.
- SKM 2005 Valley View Place Traffic and Site Access Assessment
- DRD Consulting 2013 Nulkaba (BC10) and Valley View Place Precincts Traffic Infrastructure Assessment
- RTA Guide to Traffic Generating Developments;

6.2 **Nexus**

The ramifications of the proposed subdivision of the land and subsequent development are:-

- Intensification of development;
- Increased traffic movements along Wine Country Drive;
- A need to provide for safe and efficient access to Wine Country Drive from Nulkaba
- Increased traffic on several local roads within Nulkaba;
- A need to provide direct routes and connectivity from new development areas to the public school, and

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

- Upgrading road infrastructure and pavements to cater for increased traffic volumes and to maintain amenity for local residents, and,
- Upgrading street drainage (in association with the above drainage measures);
- Intersection upgrades to cater for increased traffic movements

The transport facilities have been apportioned across the Subareas on the basis of generated demand and benefit received.

Valley View Place will be upgraded from the intersection of Fletcher Street northwards for a distance of 275 metres, under the provisions of this Plan. This augmentation only applies to Subarea 1.

A transport study has been undertaken for access to Wine Country Drive. This Study determined that the construction of Pinchen Street and a 'controlled access' such as a roundabout at the intersection of O'Connor's Road and Wine Country Drive is necessary to provide safe and efficient access to Nulkaba without undue delay. The RMS require that provision is made for this access arrangement. Accordingly, an apportioned contribution towards the upgrade of the intersection of O'Connor's Road and Wine Country Drive has been included in the Section 94 Plan. The capital cost of the

roundabout has been reduced by \$260,000 to account for Section 94 contributions from the Bellbird North Contributions Area.

Pinchen Street, between O'Connors Road and Fletcher Street, will be constructed and Fletcher Street will be upgraded (east of the intersection with Valley View Place) and contributions will be apportioned on a relative benefit basis to all existing and potential additional lots in Nulkaba. The RMS and traffic studies have identified that Pinchen Street will need to be constructed to provide access for lots north of Fletcher Street to a safe functional primary access to Wine Country Drive at its intersection at O'Connors Road. In addition, the same section of Pinchen Street is necessary to provide access to the school and to connect Valley View Place to the rest of the suburb of Nulkaba without reliance on the heavily trafficked Wine Country Drive. Subareas 1, 2 and 3 proportionally generated greater demand and received greater benefit from these works, and as a result contribute at a higher rate than Subareas 4 and 5.

Pinchen Street, between O'Connors Road and Austral Street, will be constructed and contributions will be apportioned on a relative benefit basis to all existing and potential additional lots in Subarea 4.

The construction of an off road pedestrian/cycle path will connect Nulkaba to the existing pathway that currently terminates at the Calvary Retirement Village. It will also allow safer cycle access to the North End community facility and Drain Oval. A new cycleway between Drain Oval and Allandale Road will provide safer access from Nulkaba to that recreational resource.

A specific schedule of necessary transport infrastructure works 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. Lot yield will be monitored as development proceeds and changes made to the contribution regime accordingly.

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

Subareas catchments have been determined by the basis of any significant differences in demand generated by each Subarea as a result of anticipated development. This approach provides equitable sharing of the costs of augmented and additional infrastructure for all new development.

6.4 Facilities Strategy

Necessary transport works have been identified in technical studies, reviews undertaken by Council staff, and the requirements of NSW Roads and Maritime Services (RMS).

A summary of proposed transport works and costs within the Nulkaba Contributions Area is provided in the attached Works Schedule.

6.5 Apportionment

The transport works detailed in this plan have been designed to meet the demands of the future development of the Nulkaba Contributions Area.

Because some existing transport infrastructure in Nulkaba is well below contemporary standards, apportionment calculations include existing lots where appropriate. This ensures that new development contributes only for its proportion of demand, and that Council meets that part of the cost attributable to existing demand or "backlog".

Contribution subareas have been identified in order to ensure that the nexus between the demand created by new development and contribution levels are as equitably distributed as is reasonable possible and administratively efficient.

The Pinchen Street works, between O'Connors Road and Fletcher Street, have been apportioned 65% to 298 existing and potential lots in Subareas 1, 2, and 3, and 35% to 395 existing and potential lots in Subareas 4 and 5. This apportionment has been done on the basis of traffic modelling by DRD Consulting.

6.6 **Calculation of Contribution**

Estimated apportioned capital costs for the proposed works were prepared by Cessnock City Council on the basis of traffic studies and Council's standard rates for construction. The table below shows the transport works for which a Section 94 contribution is being levied and the Subarea being levied. Where existing lots are included in the "benefiting lots", Council is to meet that part of the augmentation cost attributable to the proportion of existing lots because existing infrastructure is below contemporary standards.

It is anticipated that no subdivision or residential intensification of Subarea 2 will occur during the Plan period. As a result no contributions are expected to be received from new development. However, contribution rate has been calculated based on that applying to Subarea 1 excluding the reconstruction of Valley View Place (item 8) for new development to which this Plan applies should this occur.

Full details are provided in Works Schedule II – Table 4 of this Plan, with a Location Map. Works Schedule II provides details on the apportionment of costs for each item of the transport related works, based on the number of existing and potential additional benefiting lots.

This is shown in the table below.

Subarea 1. North of Fletcher Street including the Valley View Place Precinct

		Cost	Subarea 1S94 contribution	Benefiting lots	Cost per lot
1	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$214,693.70	\$17,846.41	1,600 lots (School catchment)	\$134.18
2	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$297,268.20	\$24,710.42	1,600 (School catchment)	\$185.79
3	Construct cycleway off road – O’Connors Rd to existing path in from Cessnock	\$375,000.00	\$71,969.70	693 lots (all existing and potential additional lots in Nulkaba)	\$541.13
4	Construct shared pedestrian/cycleway off road–Wine Country Dr to Drain Oval	\$82,500.00	\$15,833.33	693 lots (all existing and potential additional lots in Nulkaba)	\$119.05
5	Wine Country Dr- O’Connors Rd and Fletcher St - Provide 3 bus lay-bys, shelter sheds, pavement strengthening	\$90,000.00	\$17,272.73	693 lots (all existing and potential additional lots in Nulkaba)	\$129.87
6	Fletcher St- Valley View Place to Wine Country Dr - Reconstruct incl. kerb and gutter drainage	\$803,317.40	\$233,042.92	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$1,752.20
7	Pinchen St- Fletcher to O’Connors- Reconstruct incl. kerb and gutter, drainage	\$1,378,104.00	\$399,788.90	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$3005.93
8	Valley View Place PI- Reconstruct incl. drainage	\$454,159.75	\$368,312.13	164 lots (all existing and potential additional lots accessing Valley View Place only)	\$2,769.27
9	Intersection of O’Connors Rd and Wine Country Dr (roundabout), after discount of \$250,000 for Bellbird Nth s94	\$1,251,250.00	\$354,077.13	470 lots (all potential additional lots)	\$2,662.23
10	O’Connor’s Rd- Occident to Rothbury St - Reconstruct incl. kerb & gutter drainage	\$276,268.20	\$53,021.17	693 lots (all existing and potential additional lots in Nulkaba)	\$398.66
11	O’Connor’s Rd- Pinchen to Occident St - Reconstruct incl. kerb & gutter drainage	\$446,279.40	\$85,649.58	693 lots (all existing and potential additional lots in Nulkaba)	\$643.98
	Total		\$1,641,524.76		\$12,342.29

On the basis of the contribution rate per lot, the contributions for Transport Infrastructure for Subarea 1 are calculated as follows:-

One bedroom dwelling	\$3,856.97 per person	X	Occupancy rate of 1.5 persons	\$5,785.45 contribution
Two bedroom dwelling	\$3,856.97 per person	X	Occupancy rate of 2.0 persons	\$7,713.93 contribution
Three bedroom (+) dwelling or per Lot	\$3,856.97 per person	X	Occupancy rate 3.2 persons	\$12,342.29 contribution

Subarea 2. North of Fletcher Street with access from McKensey or Perris Streets

		Cost	Subarea 2 S94 contribution	Benefiting lots	Cost per lot
1	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage	\$214,693.70	\$ nil additional levied development anticipated	1,600 lots (School catchment)	\$134.18
2	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage	\$297,268.20	\$ nil additional levied development anticipated	1,600 (School catchment)	\$185.79
3	Construct cycleway off road – O’Connors Rd to existing path in from Cessnock	\$375,000.00	\$ nil additional levied development anticipated	693 lots (all existing and potential additional lots in Nulkaba)	\$541.13
4	Construct shared pedestrian/cycleway off road–Wine Country Dr to Drain Oval	\$82,500.00	\$ nil additional levied development anticipated	693 lots (all existing and potential additional lots in Nulkaba)	\$119.05
5	Wine Country Dr- O’Connors Rd and Fletcher St - Provide 3 bus lay-bys, shelter sheds, pavement strengthening	\$90,000.00	\$ nil additional levied development anticipated	693 lots (all existing and potential additional lots in Nulkaba)	\$129.87
6	Fletcher St- Valley View Place to Wine Country Dr - Reconstruct incl. kerb and gutter drainage	\$803,317.40	\$ nil additional levied development anticipated	65% to 298 existing and potential lots in Subareas 1, 2, and 3, and 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$1,752.20
7	Pinchen St- Fletcher to O’Connors- Reconstruct incl. kerb and gutter, drainage	\$1,378,104.00	\$ nil additional levied development anticipated	65% to 298 existing and potential lots in Subareas 1, 2, and 3, and 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$3005.93
8	Intersection of O’Connors Rd and Wine Country Dr (roundabout), after discount of \$250,000 for Bellbird Nth s94	\$1,251,250.00	\$ nil additional levied development anticipated	470 lots (all potential additional lots)	\$2,662.23
9	O’Connor’s Rd- Occident to Rothbury St - Reconstruct incl. kerb & gutter drainage	\$276,268.20	\$ nil additional levied development anticipated	693 lots (all existing and potential additional lots in Nulkaba)	\$398.66
10	O’Connor’s Rd- Pinchen to Occident St - Reconstruct incl. kerb & gutter drainage	\$446,279.40	\$ nil additional levied development anticipated	693 lots (all existing and potential additional lots in Nulkaba)	\$643.98
	Total				\$9,573.02

On the basis of the contribution rate per lot, the contributions for Transport Infrastructure for Subarea 2 are calculated as follows:-

One bedroom dwelling	\$2,991.57 per person	X	Occupancy rate of 1.5 persons	\$4,487.36 contribution
Two bedroom dwelling	\$2,991.57 per person	X	Occupancy rate of 2.0 persons	\$5,983.14 contribution
Three bedroom (+) dwelling or per Lot	\$2,991.57 per person	X	Occupancy rate 3.2 persons	\$9,573.02 contribution

Subarea 3 South of Fletcher Street including the Pinchen Street Precinct

		Cost	Subarea 3 S94 contribution	Benefiting lots	Cost per lot
1	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$214,693.70	\$12,881.62	1,600 lots (School catchment)	\$134.18
2	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$297,268.20	\$17,836.09	1,600 (School catchment)	\$185.79
3	Construct cycleway off road – O’Connors Rd to existing path in from Cessnock	\$375,000.00	\$51,948.05	693 lots (all existing and potential additional lots in Nulkaba)	\$541.13
4	Construct shared pedestrian/cycleway off road–Wine Country Dr to Drain Oval	\$82,500.00	\$11,428.57	693 lots (all existing and potential additional lots in Nulkaba)	\$119.05
5	Wine Country Dr- O’Connors Rd and Fletcher St - Provide 3 bus lay-bys, shelter sheds, pavement strengthening	\$90,000.00	\$12,467.53	693 lots (all existing and potential additional lots in Nulkaba)	\$129.87
6	Fletcher St- Valley View Place to Wine Country Dr - Reconstruct incl. kerb and gutter drainage	\$803,317.40	\$168,211.43	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$1,752.20
7	Pinchen St- Fletcher to O’Connors- Reconstruct incl. kerb and gutter, drainage	\$1,378,104.00	\$288,569.43	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$3,005.93
8	Intersection of O’Connors Rd and Wine Country Dr (roundabout), after discount of \$250,000 for Bellbird Nth s94	\$1,251,250.00	\$255,574.47	470 lots (all potential additional lots)	\$2,662.23
9	O’Connor’s Rd- Occident to Rothbury St - Reconstruct incl. kerb & gutter drainage	\$276,268.20	\$38,270.92	693 lots (all existing and potential additional lots in Nulkaba)	\$398.66
10	Austral St- Occident St to Wine Country Dr - Reconstruct pavement and drainage to urban design standard.	\$644,081.10	\$120,061.72	515 (all existing and potential lots south of Fletcher Street) (Subareas 3, 4 and 5)	\$1,250.64
11	O’Connor’s Rd- Pinchen to Occident St - Reconstruct incl. kerb & gutter drainage	\$446,279.40	\$61,822.25	693 lots (all existing and potential additional lots in Nulkaba)	\$643.98

12	Kerlew Street Barrier	\$40,000.00	\$7,456.31	515 (all existing and potential lots south of Fletcher Street) (Subareas 3, 4 and 5)	\$77.67
	Total		\$1,046,528.40		\$10,901.34

On the basis of the contribution rate per lot, the contributions for Transport Infrastructure for Subarea 3 are calculated as follows:-

One bedroom dwelling	\$3,406.67 per person	X	Occupancy rate of 1.5 persons	\$5,110.00 contribution
Two bedroom dwelling	\$3,406.67 per person	X	Occupancy rate of 2.0 persons	\$6,813.34 contribution
Three bedroom (+) dwelling or per Lot	\$3,406.67 per person	X	Occupancy rate 3.2 persons	\$10,901.34 contribution

4. South of Fletcher Street including the South West Precinct.

		Cost	Subarea 4 S94 contribution	Benefiting lots	Cost per lot
1	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$214,693.70	\$32,338.24	1,600 lots (School catchment)	\$134.18
2	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$297,268.20	\$44,776.02	1,600 (School catchment)	\$185.79
3	Construct cycleway off road – O’Connors Rd to existing path in from Cessnock	\$375,000.00	\$130,411.26	693 lots (all existing and potential additional lots in Nulkaba)	\$541.13
4	Construct shared pedestrian/cycleway off road–Wine Country Dr to Drain Oval	\$82,500.00	\$28,690.48	693 lots (all existing and potential additional lots in Nulkaba)	\$119.05
5	Wine Country Dr- O’Connors Rd and Fletcher St - Provide 3 bus lay-bys, shelter sheds, pavement strengthening	\$90,000.00	\$31,298.70	693 lots (all existing and potential additional lots in Nulkaba)	\$129.87
6	Fletcher St- Valley View Place to Wine Country Dr - Reconstruct incl. kerb and gutter drainage	\$803,317.40	\$171,543.85	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$711.80
7	Pinchen St- Fletcher to O’Connors- Reconstruct incl. kerb and gutter, drainage	\$1,378,104.00	\$294,286.26	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$1,221.10
8	Intersection of O’Connors Rd and Wine Country Dr (roundabout), after discount of \$250,000 for Bellbird Nth s94	\$1,251,250.00	\$641,598.40	470 lots (all potential additional lots)	\$2,662.23
9	O’Connor’s Rd- Occident to Rothbury St - Reconstruct incl. kerb & gutter drainage	\$276,268.20	\$96,075.95	693 lots (all existing and potential additional lots in Nulkaba)	\$398.66
10	Austral St- Occident St to Wine Country Dr - Reconstruct pavement and drainage to urban design standard.	\$644,081.10	\$301,404.94	515 (all existing and potential lots) south of Fletcher Street (Subareas 3, 4 and 5)	\$1,250.64
11	O’Connor’s Rd- Pinchen to Occident St - Reconstruct incl. kerb & gutter drainage	\$446,279.40	\$113,984.78	693 lots (all existing and potential additional lots in Nulkaba)	\$643.98

12	Pinchen St- Austral St to O'Connors Rd- Reconstruct incl. kerb and gutter, drainage	\$426,778.80	\$305,829.34	247 (all existing and potential lots south of Fletcher Street in the South West precinct - Subarea 4)	\$1,727.85
13	Kerlew Street Barrier	\$40,000.00	\$18,718.45	515 (all existing and potential lots) south of Fletcher Street) (Subareas 3, 4 and 5)	\$77.67
	Total		\$1,735,300.57		\$9,803.96

On the basis of the contribution rate per lot, the contributions for Transport Infrastructure for Subarea 4 are calculated as follows:-

One bedroom dwelling	\$3,063.74 per person	X	Occupancy rate of 1.5 persons	\$4,595.61 contribution
Two bedroom dwelling	\$3,063.74 per person	X	Occupancy rate of 2.0 persons	\$6,127.47 contribution
Three bedroom (+) dwelling or per Lot	\$3,063.74 per person	X	Occupancy rate 3.2 persons	\$9,803.96 contribution

Subarea 5 South of Fletcher Street including the Pinchen Street Precinct

		Cost	Subarea 3 S94 contribution	Benefiting lots	Cost per lot
1	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$214,693.70	\$8,587.75	1,600 lots (School catchment)	\$134.18
2	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage (school related traffic demand)	\$297,268.20	\$11,890.73	1,600 (School catchment)	\$185.79
3	Construct cycleway off road – O’Connors Rd to existing path in from Cessnock	\$375,000.00	\$34,632.03	693 lots (all existing and potential additional lots in Nulkaba)	\$541.13
4	Construct shared pedestrian/cycleway off road–Wine Country Dr to Drain Oval	\$82,500.00	\$7,619.05	693 lots (all existing and potential additional lots in Nulkaba)	\$119.05
5	Wine Country Dr- O’Connors Rd and Fletcher St - Provide 3 bus lay-bys, shelter sheds, pavement strengthening	\$90,000.00	\$8,311.69	693 lots (all existing and potential additional lots in Nulkaba)	\$129.87
6	Fletcher St- Valley View Place to Wine Country Dr - Reconstruct incl. kerb and gutter drainage	\$803,317.40	\$45,555.21	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$711.80
7	Pinchen St- Fletcher to O’Connors- Reconstruct incl. kerb and gutter, drainage	\$1,378,104.00	\$78,150.71	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 and 5.	\$1,221.10
8	Intersection of O’Connors Rd and Wine Country Dr (roundabout), after discount of \$250,000 for Bellbird Nth s94	\$1,251,250.00	\$170,382.98	470 lots (all potential additional lots)	\$2,662.23
9	O’Connor’s Rd- Occident to Rothbury St - Reconstruct incl. kerb & gutter drainage	\$276,268.20	\$25,513.95	693 lots (all existing and potential additional lots in Nulkaba)	\$398.66
10	Austral St- Occident St to Wine Country Dr - Reconstruct pavement and drainage to urban design standard.	\$644,081.10	\$80,041.15	515 (all existing and potential lots south of Fletcher Street) (Subareas 3, 4 and 5)	\$1,250.64
11	O’Connor’s Rd- Pinchen to Occident St - Reconstruct incl. kerb & gutter drainage	\$446,279.40	\$41,214.84	693 lots (all existing and potential additional lots in Nulkaba)	\$643.98

12	Kerlew Street Barrier	\$40,000.00	\$4,970.87	515 (all existing and potential lots south of Fletcher Street) (Subareas 3, 4 and 5)	\$77.67
	Total		\$516,870.95		\$8,076.11

On the basis of the contribution rate per lot, the contributions for Transport Infrastructure for Subarea 5 are calculated as follows:-

One bedroom dwelling	\$2,523.78 per person	X	Occupancy rate of 1.5 persons	\$3,785.68 contribution
Two bedroom dwelling	\$2,523.78 per person	X	Occupancy rate of 2.0 persons	\$5,047.57 contribution
Three bedroom (+) dwelling or per Lot	\$2,523.78 per person	X	Occupancy rate 3.2 persons	\$8,076.11 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 administering Section 94 are an essential component of the efficient provision of facilities necessitated by development within the Nulkaba 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.

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	\$33,000
Management/Review	<u>\$25,000</u>
Total	\$58,000

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

The contribution formula for Plan management and administration is:-

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

Where: C = The cost of Plan management and administration

P = Benefiting no. of people

$$= \frac{\$58,000}{1504}$$

$$= \$38.56 \text{ per lot}$$

On the basis of a \$38.56 contribution rate per person, the contributions for Plan Management and Administration are calculated as follows and apply to Subareas 1 and 2.

One bedroom dwelling	\$38.56. per person	X	Occupancy rate of 1.5 persons	\$57.85 contribution
Two bedroom dwelling	\$38.56 per person	X	Occupancy rate of 2.0 persons	\$77.13 contribution
Three bedroom (+) dwelling or per lot	\$38.56 per person	X	Occupancy rate of 3.2 persons	\$123.40 contribution

SECTION 5 – SUPPORTING DOCUMENTATION

SCHEDULE I: Demographics and Expected Types of Development

SCHEDULE II: Work Schedules and Map

SCHEDULE I – 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 50-69 and a slightly lower proportion of young adults and those aged over 70 years.
- It has a 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 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 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 census data:-

Cessnock LGA Population and Household Size.				
Year	Population	Population in occ private dwellings	Dwellings (ccc. 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 census

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:-

Nulkaba has experienced a consistently higher occupancy rate than Cessnock LGA as a whole, as shown in the table below. This is typical of large lot residential/rural residential areas on the urban fringe, and is due to the higher proportion of larger lots and larger dwellings in these areas and the younger population profile (particularly proportions of seniors) relative to more closely settled and established urban areas.

Nulkaba Population & Household Size (people)			
Year	Total Population	Occupied private dwellings	Average Household Size Nulkaba (Estimated)
2001	478	167	2.87
2006	526	174	3.02
2011	552	176	3.2

** 2001, 2006 data from id based on ABS census, 2011 data from ABS.*

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	3.2

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. Projected average annual growth 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 and Infrastructure, 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 Valley View Place urban release area because of the 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 of population growth 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 Nulkaba Contributions Area contains around 470 additional residential lots. It is estimated that development may occur over a 10-15 year timeframe. An ultimate population of approximately 1504 additional residents may call Nulkaba home.

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 Cost	Land	Timing (Lot %)
NIL						
TOTAL						

TABLE 2 - OPEN SPACE/RECREATIONAL/SPORTING FACILITIES

Service/Facilities	AF% New Lots	Apport. Capital Cost \$	Est. Land Cost \$	Council/ Other Cost	Total Cost	Timing (Lot %)
Provide Local Park and Playground	100%	\$225,600.00	Provided by Council	\$0	\$225,600.00	50
Upgrade Drain Oval facilities	100%	\$253,119.00	Provided by Council	\$0	\$253,119.00	50
Upgrading/Expansion of District Indoor Sports Facilities – Cessnock	2.51%	\$142,467.17	Provided by Council	\$5,541,063.52	\$5,683,530.69	100
Upgrade/Replace District Aquatic Facilities – Cessnock	4.33%	\$211,402.24	Provided by Council	\$4,674,408.74	\$4,885,810.98	100
TOTAL	7.59%	\$832,588.41		\$10,215,472.26	\$10,972,460.67	

TABLE 3 - COMMUNITY FACILITIES

Service/Facilities	AF% New Lots	Apport. Capital Cost \$	Est. Land Cost \$	Council/ Other Cost	Total Cost	Timing (Lot %)
Local Community Hall augmentation– North End	100%	\$243,926.88	Provided by Council	\$2,769,218.88	\$0	50
Expand capacity - District Library – Cessnock	4.42%	\$643,616.39	Provided by Council	\$14,367,708.80	\$14,549,838.54	100
Provide Cultural Centre – Cessnock	1.77%	\$162,915.40	Provided by Council	\$9,161,218.11	\$9,207,319.70	0
TOTAL	3.95%	\$1,050,458.67	Nil	\$26,298,145.79	\$26,595,403.24	

Notes:

1. AF% = Apportionment factor based on cost of augmentation or provision of a complete facility as each case determines
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 cost of augmentation or provision of a complete facility to be funded by Council/Other contributors/grants etc., as each case determines
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 total lots.

TABLE 4 – ROADS TRAFFIC DRAINAGE & STORMWATER MANAGEMENT FACILITIES

	Location	Description	Benefiting lots	Total Cost	Nulkaba Section 94 contributions	Council and other	Estimated timing
1	Nulkaba Public School	Ivanhoe St - Rothbury to Branxton St - Reconstruct incl. kerb and gutter drainage to manage the increased number of traffic movements from the new residential areas to the school.	1600	\$214,693.70	\$63,066.27	\$151,627.43	50% of lots
2	Nulkaba Public School	Rothbury St – Ivanhoe St to O’Connors Rd - Reconstruct incl. kerb and gutter drainage to manage the increased number of traffic movements from the new residential areas to the school.	1600	\$297,268.20	\$87,322.53	\$209,945.67	50% of lots
3	Wine Country Dr. – cycleway link to Cessnock	Construct cycleway off road –to the existing path from Cessnock (1250m)	693	\$375,000.00	\$254,329.00	\$120,671.00	50% of lots
4	Cycleway link to Drain Oval- Dover St	Offroad cycleway to from Wine Country Drive/ Allandale Rd to Drain Oval	693	\$82,500.00	\$55,952.38	\$26,547.62	50% of lots
5	Wine Country Drive – O’Connors Rd & Fletcher St	Provide shelter sheds & J posts external to developments, pavement strengthening and sealing. (4)	693	\$90,000.00	\$61,038.96	\$28,961.04	25% of lots
6	Pinchen St	Construction from Fletcher St to O’Connor’s Road (600m)	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 & 5.	\$803,317.40	\$572,798.20	\$230,519.20	25% of lots

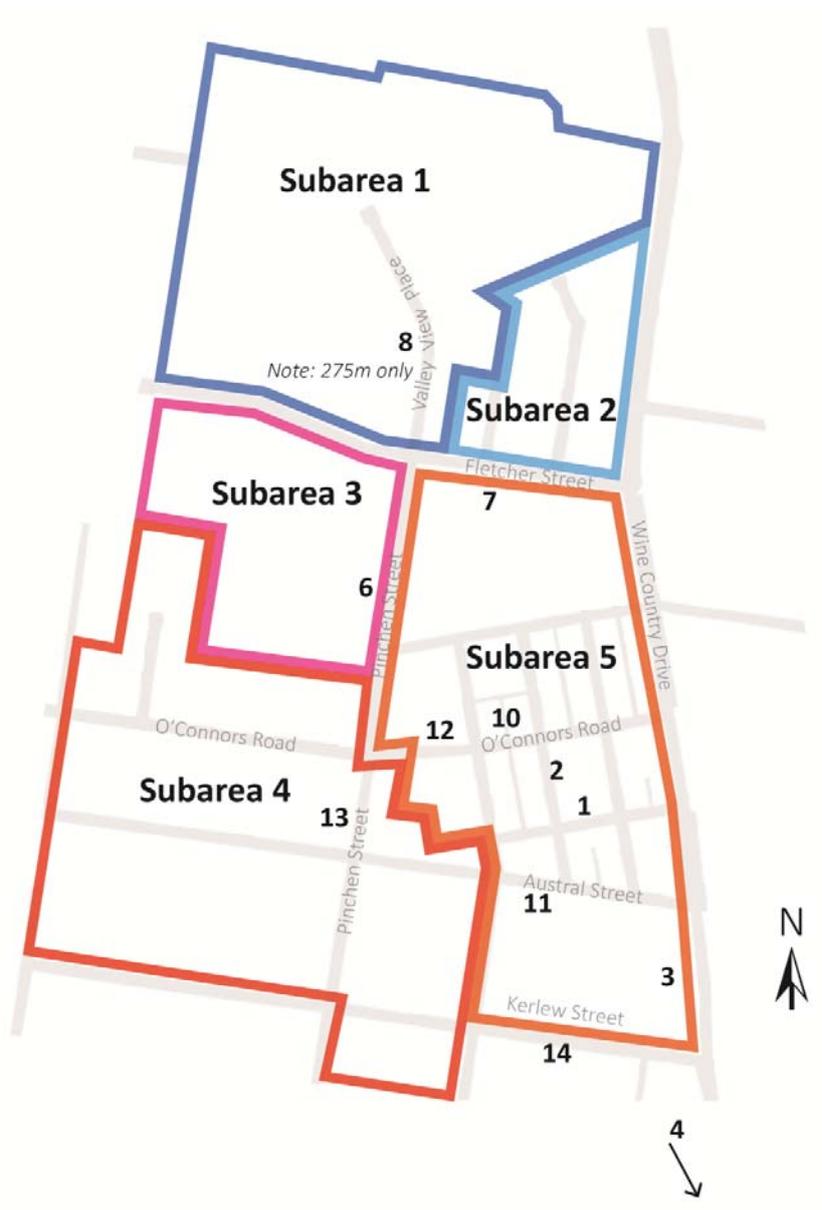
	Location	Description	Benefiting lots	Total Cost	Nulkaba Section 94 contributions	Council and other	Estimated timing
7	Fletcher St. Valley View Place to Wine Country Drive	Reconstruct incl. kerb & gutter drainage. (430m)	65% to 298 existing and potential lots in Subareas 1, 2, and 3. 35% to 395 lots existing and potential lots in Subareas 4 & 5.	\$1,378,104.00	\$982,644.58	\$395,459.42	25% of lots
8	Valley View Place Pl. (not full length)	Reconstruct incl. drainage from Fletcher St northwards for a distance of 275m	164	\$454,159.75	\$368,312.48	\$85,847.27	With development
9	Intersection of O'Connor's Road and Wine Country Drive	Construction of a roundabout	470	\$1,511,250	\$1,251,250.00	\$260,000 (Bellbird North s94)-	50% of lots
10	O'Connor's Rd-Occident to Rothbury St	Reconstruct incl. kerb & gutter drainage	693	\$276,268.20	\$187,368.04	\$88,900.16	50% of lots
11	Austral St- Occident St to Wine Country Dr -	Reconstruct pavement and drainage to urban design standard.	515	\$644,081.10	\$421,466.66	\$222,614.44	50% of lots
12	O'Connor's Rd- Pinchen to Occident St	Reconstruct incl. kerb & gutter drainage	693	\$446,279.40	\$302,671.45	\$143,607.95	50% of lots
13	Pinchen St – O'Connors Road to Austral Street	Construction from O'Connor's Road to Austral St (210m)	247	\$426,778.80	\$305,829.34	\$120,949.46	50% of lots
14	Kerlew Street Barrier	Road closure to motor vehicles	515	\$40,000.00	\$26,174.76	\$13,825.24	50% of lots
	TOTAL			\$6,779,700.55	\$4,940,224.68	\$1,839,475.87	

Notes:

1. AF% = Apportionment Factor. Note: The apportionment figures are rounded to one decimal place.
2. APPORT. CAPITAL COST is the apportioned cost to be funded under this Plan by Section 94 contributions.
3. The balance of the total project cost to be funded by Council/other contributors/grants etc.
4. TIMING is the threshold for the provision of the relevant infrastructure

NULKABA TRANSPORT WORKS

See Table above for numbered references to works



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. Barker Ryan Stewart (2013) Nulkaba DCP Concept Lot Yields
3. Cessnock City Council (2006) Residential Section 94 Contribution Plan
4. Cessnock City Council (2003), Cessnock Community Profile
5. Cessnock City Council (2005), Cessnock Bike Plan
6. Cessnock City Council (2010), Cessnock Settlement Strategy
7. Cessnock City Council (2008), Recreation & Open Space Strategic Plan
8. Department of Planning (2005), Development Contribution Practice Notes
9. Department of Planning (2007), Planning Circular PS07-018
10. Department of Planning and infrastructure (2010), NSW SLA Population Projections, 2006 to 2036
11. Department of Planning and Infrastructure (2011), PS 11-012 Section 94E Direction- Development Contributions.
12. DRD Consulting (2013), Nulkaba (BC10) and Valley View Place Urban Release Areas Traffic Infrastructure Assessment
13. Environmental Planning and Assessment Act, 1979
14. Environmental Planning and Assessment Amendment (Development Contributions) Regulations, 2005
15. Environmental Planning and Assessment Regulation, 2000
16. Heather Nesbit Planning (2005), People Places – A Guide for Public Library Buildings in New South Wales, 2nd edition
17. JWP Planning (2005), Rezoning Submission – Valley for Place (for Austmark Properties)
18. Minister for Planning and Infrastructure (2012), Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012.
19. Martens Consulting Engineers (2005), Stormwater and Flooding Assessment-
20. Northrop (2005), Flooding and Stormwater Management assessment for the Rezoning of Lot 91, 92 and adjoining lots Valley View Place Nulkaba.
21. SKM (2005) Valley View Place Traffic and Site Access Assessment
22. State Library of NSW, Public Library Building Guidelines