



Shire-Wide Infrastructure, Services and Facilities Development Contributions Plan No 11

September 2013



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Summary Schedules

The following pages include summary tables of contribution rates included in this Plan:

- Table 1: Schedule of works
- Table 2: Contributions by category
- Table 3: Contributions by development type and category

Note: *These are summary tables only. More details are contained in the individual strategies in Section 2 of this Plan.*

Table 1 Schedule of Works

Schedule of Works	Total Cost \$,'000	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Administration	-\$2,972	-\$71	-\$66	-\$97	-\$128	-\$130	-\$134	-\$130	-\$130	-\$132	-\$129	-\$129	-\$126	-\$129	-\$129	-\$129	-\$130	-\$132	-\$131	-\$121	-\$114	-\$113	-\$110	-\$110	-\$110	-\$110
Library Stock	-\$11,198	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448	-\$448
Regional Performing Arts Centre	-\$23,800	-\$200	-\$500	-\$500	-\$11,200	-\$11,200																				
Public Art Commissions	-\$1,800		-\$200		-\$200		-\$200		-\$200		-\$200		-\$200		-\$200		-\$200		-\$200							
North Wyoong Regional Sporting Facility	-\$5,000						-\$2,500	-\$2,500																		
San Remo Extreme Sporting Facility	-\$500				-\$500																					
Cycleway Network	-\$12,555	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502	-\$502
Recreation Strategy	-\$120	-\$70	-\$50																							
Saltwater Creek Park	-\$500		-\$500																							
Sub Total	-\$58,245	-\$1,291	-\$2,266	-\$1,547	-\$12,978	-\$12,280	-\$3,784	-\$3,581	-\$1,281	-\$1,082	-\$1,279	-\$1,079	-\$1,276	-\$1,079	-\$1,279	-\$1,079	-\$1,280	-\$1,082	-\$1,281	-\$1,071	-\$1,065	-\$1,063	-\$1,060	-\$1,060	-\$1,060	-\$1,060
Income Future Development																										
Administration	\$2,972	\$71	\$66	\$97	\$128	\$130	\$134	\$130	\$130	\$132	\$129	\$129	\$126	\$129	\$129	\$129	\$130	\$132	\$131	\$121	\$114	\$113	\$110	\$110	\$110	\$110
Library Stock	\$10,737	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429	429
Regional Performing Arts Centre	\$7,478	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299	\$299
Public Art Commissions	\$570	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23	\$23
Regional Open Space	\$5,868	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235	\$235
Cycleway Network	\$12,037	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481	\$481
Sub Total	\$39,662	\$1,539	\$1,534	\$1,564	\$1,595	\$1,597	\$1,602	\$1,598	\$1,598	\$1,600	\$1,597	\$1,597	\$1,593	\$1,597	\$1,597	\$1,597	\$1,598	\$1,600	\$1,599	\$1,589	\$1,582	\$1,581	\$1,578	\$1,578	\$1,578	\$1,578
Income From Council (for existing development)																										
Administration	\$0																									
Library Stock	\$462	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Regional Performing Arts Centre	\$16,122			\$16,122																						
Public Art Commissions	\$1,230		\$137		\$137		\$137		\$137		\$137		\$137		\$137		\$137		\$137							
Regional Open Space	\$252				\$252																					
Cycleway Network	\$517	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21	\$21
Sub Total	\$18,583	\$39	\$176	\$16,161	\$428	\$39	\$176	\$39	\$176	\$39	\$176	\$39	\$176	\$39	\$176	\$39	\$176	\$39	\$176	\$39	\$39	\$39	\$39	\$39	\$39	\$39
Borrowings from Other Plans	\$0																									
Repayments to Other Plans	\$0																									
Sub Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditure	-\$58,245	-\$1,291	-\$2,266	-\$1,547	-\$12,978	-\$12,280	-\$3,784	-\$3,581	-\$1,281	-\$1,082	-\$1,279	-\$1,079	-\$1,276	-\$1,079	-\$1,279	-\$1,079	-\$1,280	-\$1,082	-\$1,281	-\$1,071	-\$1,065	-\$1,063	-\$1,060	-\$1,060	-\$1,060	-\$1,060
Total Income	\$58,245	\$1,578	\$1,710	\$17,725	\$2,023	\$1,637	\$1,778	\$1,637	\$1,774	\$1,639	\$1,772	\$1,636	\$1,769	\$1,636	\$1,772	\$1,636	\$1,774	\$1,639	\$1,774	\$1,628	\$1,621	\$1,620	\$1,617	\$1,617	\$1,617	\$1,617
Cash Flow	\$0	\$287	-\$270	\$15,908	\$4,954	-\$5,689	-\$7,696	-\$9,639	-\$9,146	-\$8,590	-\$8,096	-\$7,540	-\$7,046	-\$6,490	-\$5,996	-\$5,440	-\$4,946	-\$4,390	-\$3,897	-\$3,340	-\$2,783	-\$2,227	-\$1,670	-\$1,113	-\$557	\$0

Table 2 shows the contribution rates per dwelling unit (DU) for each category. These rates are current at the time of preparing this plan and are subject to future indexation in accordance with this plan.

Table 2 Contributions by Category

Category	Contribution Rate per Dwelling Unit
Library Stock	\$266.30
Performing Arts Centre	\$313.03
Public Art Commissions	\$23.88
Regional Open Space	\$145.54
Shire Cycleway Network	\$298.57
Administration	\$64.66
Total	\$1,111.98

Note: The contributions are to apply to:

- residential subdivision of land (1 DU credit per existing residential allotment);
- all medium density development - excluding tourist development (1 DU credit per existing allotment);
- rural subdivision creating addition dwelling entitlements (1 DU credit per existing allotment);
- rural dual occupancy development (1 DU credit per existing allotment).

Table 3 summarises the types of development which will be required to contribute towards the various contribution categories.

Table 3 Contributions by Development Type and Category

Development Types	Factor Per DU	Library Network	Regional Open Space	Cycleway Network	Performing Arts Centre & Public Art	Administration
Residential Flats & Dual Occupancies		√	√	√	√	√
Secondary Dwelling	0.35/unit	√	√	√	√	√
1 bedroom unit	0.52/unit	√	√	√	√	√
2 bedroom unit	0.73/unit	√	√	√	√	√
3 bedroom unit	1/unit	√	√	√	√	√
4 bedroom unit	1.28/unit	√	√	√	√	√
Residential Subdivision	1/unit	√	√	√	√	√
Shops/Offices	0.005/m ²					
Rural Subdivision	1/lot	√	√	√	√	√
Rural Dual Occupancies		√	√	√	√	√
Secondary Dwelling	0.35/unit	√	√	√	√	√
1 bedroom unit	0.52/unit	√	√	√	√	√
2 bedroom unit	0.73/unit	√	√	√	√	√
3 bedroom unit	1/unit	√	√	√	√	√
4 bedroom unit	1.28/unit	√	√	√	√	√
Industrial Subdivision	5/Ha NDA					
Industrial Development	5/Ha NDA					
Shopping Centre	0.001/m ²					
Restaurants	0.008/m ²					
Tourists Developments						
1 bedroom unit	0.52/unit					
2 bedroom unit	0.73/unit					
3 bedroom unit	1/unit					
4 bedroom unit	1.28/unit					
Motel Suite	0.26/Suite					
Caravan Park - holiday site	0.52/site					
Caravan Park - long term	0.73/site	√	√	√	√	√
Schools	0.04/pupil					
Licensed Club	0.04/occpt					
Hotel	0.01/m ²					
Hospital Bed	1/bed					
Nursing Home Bed	0.4/bed					
Hostel Bed	0.125/bed					
Pre Schools/Child Care Centres	0.0625/pupils & staff					

Note: √ contribution is applicable to development.

1 Administration and Operation of the Plan

1.1 Name of this Plan

This development contributions plan is called the "Section 94 Contributions Plan for Wyong Shire No. 11 - Shire wide Infrastructure, Services and Facilities – September 2013".

1.2 Land to which this Plan Applies

This plan applies to all land within the local government area of Wyong Shire, as shown on Figure 1.

1.3 Purpose of the Plan

The purpose of this Development Contributions Plan is to:

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

1.4 Commencement of this Plan

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

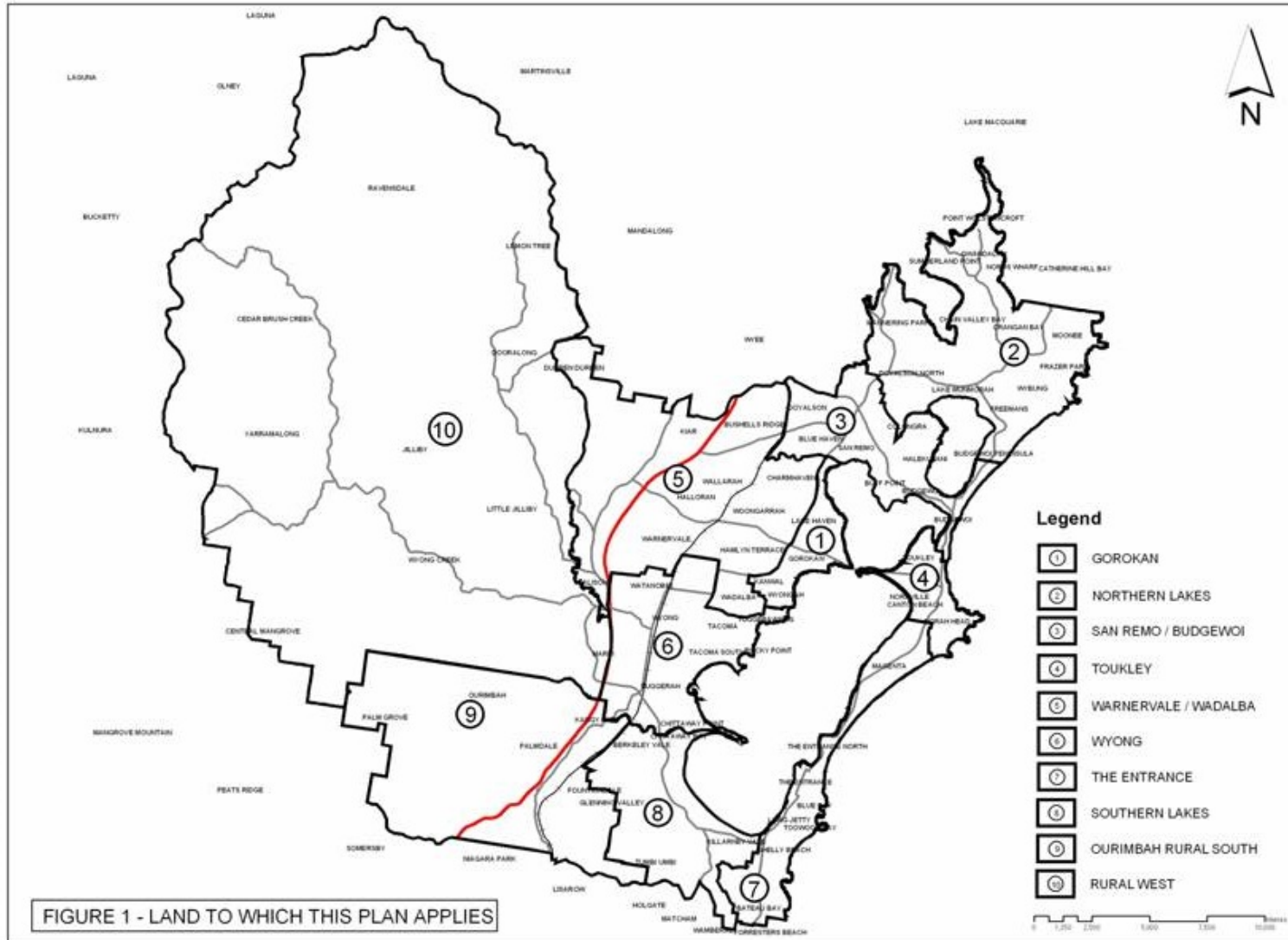
1.5 Relationship with Other Plans and Policies

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

This Plan takes precedence over any of Council's Codes and Policies where there are any inconsistencies in relation to Section 94 Contributions.

Other contributions plans may also apply to development covered by this plan. This plan replaces elements of existing district contributions plans as they relate to library stock (Warnervale District contributions plan) and cycleways where they make up a component of an open space contribution (all districts plans – except Warnervale) – a cycleway element will remain in the Warnervale district contributions plan as it relates to local cycleways throughout that district.

Figure 1 Land to Which this Plan Applies



1.6 Definitions

For the purposes of this plan a "Development Unit (DU)" is defined as being equivalent to a three bedroom residential dwelling. Where development other than a three bedroom dwelling is proposed, an equivalent contribution factor based on a proportion of DU will need to be calculated as follows:

- | | |
|----------------------|---------|
| ▪ 4 bedroom dwelling | 1.28 DU |
| ▪ 3 bedroom dwelling | 1.00 DU |
| ▪ 2 bedroom dwelling | 0.73 DU |
| ▪ 1 bedroom dwelling | 0.52 DU |
| ▪ Secondary Dwelling | 0.35 DU |

Occupancy rates for the Shire Wide Contributions Plan are based on the average occupancy rates for the urban release areas of Blue Haven, Hamlyn Terrace and Woongarra areas. This data is from the Census conducted in 2001.

Council will continue to monitor the occupancy rates during the life of this plan and will amend the plan to align with the updated occupancy rate as required. The current occupancy rate of 2.92 persons per dwelling unit (DU) will be applied to determine the contribution rate for a residential development. The applicable DU factor as outlined in the definitions will then be applied to determine the contribution rate for other dwellings.

"Secondary dwelling" means a self-contained dwelling that:

- a is established in conjunction with another dwelling (the **principal dwelling**), and
- b is on the same lot of land as the principal dwelling, and
- c is located within, or is attached to, or is separate from, the principal dwelling, and
- d has a total floor area (excluding any area used for parking) that does not exceed 60m².

Note: *As per definition in the draft Wyong Local Environmental Plan 2012.*

1.7 Timing of Payment of Contributions

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution. If no such time is specified, the timing of the payment of the contribution is as follows:

- Development applications involving subdivision - prior to release of subdivision certificates;
- Development applications involving building works - prior to the release of construction certificate; and
- Development applications where no building approval is required - at the time of development consent.

In regard to the latter case, the applicant may make a cash payment of contributions prior to issue of the development consent or alternatively lodge a suitable bank guarantee, also prior to issue of the consent. This bank guarantee will be called up upon commencement of the consent.

1.8 Complying Development and Obligation of Accredited Certifiers

In accordance with Section 94EC(1) of the EP&A Act:

- 1 Accredited certifiers must in issuing a complying development certificate impose a condition under Section 94 that requires the payment of monetary contributions calculated in accordance with this development contributions plan. The condition of consent shall also require the payment to be made prior to the commencement of works where building works are involved or prior to the commencement of use where no building works are involved.
- 2 This plan authorises accredited certifiers to impose such a condition. The condition must include a notation that the contribution amounts are indexed on a quarterly basis.
- 3 The amount of contributions and timing of payment shall be strictly in accordance with the provisions of this contributions plan.

It is the responsibility of accredited certifiers to:

- accurately calculate the quantum of contributions or alternatively seek advice and assistance directly from Council; and
- apply the Section 94 condition correctly.

1.9 Construction Certificates and Obligation of Accredited Certifiers

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

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

The only exceptions to the requirement are where a works in kind or dedication of land has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the developer.

1.10 Deferred and Periodic Payments

Council will generally not accept arrangements for the periodic payment of contributions required under this plan. Notwithstanding this position, an application for periodic payments may be made to Council, and Council after giving consideration to it may in extenuating circumstances accede to such a request subject to conditions that it considers appropriate. Such conditions may include the confirmation of the payment schedule via a legal agreement and the payment of fee.

Council will generally only consider permitting the deferred payment of contributions in accordance with its "Deferred Payment of Section 94 Contributions Policy" current at the time of application.

1.11 Works In Kind and Material Public benefit

It is not always possible for Council to carry out all works or land acquisitions identified within this plan within a timeframe that suits the orderly development of the area. For this reason, Council may accept an offer by the applicant to provide an "in-kind" contribution (ie. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this Plan.

Council may accept such alternatives in the following circumstances:

- the applicant making a formal application to carry out the works; and
- the standard of the works is to Council's full satisfaction; and
- the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program

The value of the works to be substituted will be the value assigned to it under this contributions plan. If there is a dispute between Council and the developer over the value of the works, the developer must provide documented evidence of the value by an independently certified Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the Council. Council may review the valuation of works and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

Offsetting of contributions will not be automatic. Applications will be considered on their merits. Water and sewerage contributions (under the Water Management Act) will not be offset against contributions determined in accordance with this plan; rather they will be offset against the contributions determined in accordance with the Development Servicing Plan. Nor will Council offset contributions where such a situation is likely to lead to a delay in the provision of land or facilities to the detriment of the incoming development.

Where the value of a particular work in kind exceeds the contribution due for that work, this excess value may (subject to Council's concurrence) form a credit to the developer which will be repaid once the following criteria have been met:

- 1 The credit will not be refunded until such time as all of the developer's land within the area serviced by the subject land has been developed and all relevant contributions have been offset against the credit value.
- 2 The credit will not be refunded until such time as 75% of areas benefiting from the credited land have contributed to the scheme.
- 3 The credit should not be refunded if insufficient funds exist in the fund meaning the refund will impact on Council's ability to carry out works contained on its rolling works programme.

It may be feasible to provide temporary measures to service initial stages of development in lieu of constructing major works up front. Such proposals will need to be assessed at the time of application and provision of such works will be the sole responsibility and cost of the particular applicant, except where they form part of the final work identified in this contribution plan (in which case that part will be treated as works in kind).

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

1.12 Exemptions

Council does not have a policy that exempts developments from payment of contributions under this plan.

1.13 Review of Contribution Rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of administration of the plan or through changes in the costs of studies used to support the Plan, the Council will review the contribution rates.

The contribution rates will be reviewed by reference to the Consumer Price Index, Australia for Sydney as published by Australian Bureau of Statistics (Source: ABS 6401.0 Table 1) specific valuations for particular parcels of land that are identified in the s94 plan as published by the Council.

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

For changes to the Consumer Price Index, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\text{\$CA} + (\text{\$CA} \times [\text{Current Index} - \text{Base Index}]) \div [\text{Base Index}]$$

Where:

\\$CA is the contribution at the time of adoption of the plan expressed in dollars;

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

Base Index is the Consumer Price Index, Australia for Sydney as published by Australian Bureau of Statistics at the date of adoption of this Plan which is **156.1 September 2006**

Note: *In the event that the Current Consumer Price Index is less than the previous Consumer Price Index, the Current Consumer Price Index shall be taken as not less than the previous Consumer Price Index.*

1.14 Adjustments to Contributions at the Time of Payment

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

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

Where:

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

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

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

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

The current contributions are published by Council and are available from Council offices or on Council's web page.

1.15 Allowance for Existing Development

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. In assessing the contribution allowance to be given to existing development the factors contained in Table 3 will be used. For example:

- Dwelling houses and single vacant allotments = 1 DU
- Other dwellings:
 - 4 bedroom unit 1.28 DU
 - 3 bedroom unit 1.00 DU
 - 2 bedroom unit 0.73 DU
 - 1 bedroom unit 0.52 DU

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

1.16 Pooling of Contributions

In accordance with Clause 27(3) of the Environmental Planning and Assessment Act Regulation, this clause authorises the pooling of funds by Council to provide priority works and land.

The priorities for the expenditure of the levies are shown in the works schedule.

1.17 Savings and Transitional Arrangements

A development application which has been lodged after the adoption of this plan shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

1.18 Timing of Works

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

Priority spending of contributions may, however, be directed to particular items identified in this Plan and this has been considered in formulating works schedules. Actual timing of the works will be dependent on development patterns and funds available from Section 94 contributions.

1.19 Transfer / Dedication of Land

Subject to prior agreement with Council, land may be transferred in lieu of making a contribution towards the acquisition of land and in some cases; Council may require transfer of particular land as a condition of consent where the value of land exceeds the contribution due for provision of this particular type of land. This excess value may (subject to Council's concurrence) form a credit to the developer which will be repaid once all the following criteria have been met:

- The credit will not be refunded until such time as all of the developer's land within the area serviced by the subject land has been developed and all relevant contributions have been offset against the credit value.
- The credit will not be refunded until such time as 75% of the areas benefiting from the credited land have contributed to the scheme.
- The credit should not be refunded if insufficient funds exist in the fund meaning the refund will impact on Council's ability to carry out works contained on its rolling works programme.
- The value of a particular parcel of land will be the value assigned to it under this Contribution Plan.

Council will only accept land transfer where that land is of a suitable nature for the purpose for which it is being transferred. All land to be transferred to Council is to be free of any improvements, structures or other impediments which would restrict or hinder its future use or development for the purposes for which it is being acquired, unless otherwise agreed by Council. The land is also to be transferred in an appropriate state, free of any refuse, contamination, or the like, unless otherwise agreed by Council.

1.20 Revision of Plan

Table 4 Plan Amendments

Adoption Date	Effective Date	Nature of Revision
	January 2007	No previous version of the plan
	April 2007	Minor amendments made prior to exhibition of draft plan (see Technical report 2007 for details)
11 July 2007	20 July 2007	Final version adopted by Council
24 July 2013	7 August 2013	Insertion of specific clauses relating to complying development and deferred payment (and minor formatting changes)
24 July 2013	18 September 2013	Insertion of "Secondary Dwelling" clause

This Plan may be further revised if the extent or nature of the proposed development varies and these variations lead to a change in the demand for public services and amenities.

Costings of works identified in this Plan are based on preliminary designs and changes to cost estimates as a result of detailed design may also necessitate a revision to this Plan.

2 Strategy Plans

The strategy plans are the heart of the development contributions plan.

This part demonstrates what contributions are considered reasonable following consideration of nexus (i.e., the connection between the development and new facilities) and apportionment.

2.1 Establishment of a Nexus and Apportionment

Many public infrastructure, services and facilities are likely to predominantly cater for residents of a specific locality. The provision of such has been dealt with on a district or urban release area basis within Council's other locality specific Section 94 Plans. However, new development often creates demand for additional or expanded Shire-wide or regional infrastructure, services and facilities. As an areas' population increases so does the demand for such infrastructure, services or facilities to cater for the overall needs of the Shire.

The relatively high growth and large population base that characterises Wyong Shire has generated a need to provide additional or expanded infrastructure, services or facilities to cater for the needs of the whole Shire. These are identified within this plan under separate headings below.

The justification for the provision of the various infrastructure, services or facilities and the standards for provision have also been addressed.

The contributions are based on future lot yields as identified in Council's Residential Development Strategy (RDS) – December 2002, updated by Council's Residential Land Monitor of December 2005. Table 5 shows, 1,733 of these new dwellings are expected to be constructed on existing vacant land. For the purposes of this plan, contribution apportionments have been calculated based on the data contained in Table 5.

Table 5 Apportionment of Contributions

Lot Production Estimates				
Social Planning District	Future Lots Including Medium Density	Existing Vacant Lots @ December 2005	Total Future Lots Plus Vacant Lots	% Of Additional Future Lots to Total Future Lots
Wyong	4,894	256	5,150	95%
Southern Lakes	1,651	111	1,762	94%
The Entrance	9,535	88	9,623	99%
Ourimbah	797	34	831	96%
Toukley	2,759	32	2,791	99%
Gorokan	1,233	88	1,321	93%
Warnervale/Wadalba	15,146	605	15,751	96%
San Remo/Budgewoi	3,000	214	3,214	93%
Northern Lakes	1,303	305	1,608	81%
Rural West*	0	0	0	0%
Total	40,317	1,733	42,050	96%

***Note:** Lot production estimates are sourced from Council's residential development Strategy. The rural west district is not included in that strategy. For growth in the rural west district, please refer to the population forecasts in Table 6.

The population of the Shire is expected to grow significantly in the future. Council's population forecasts endorsed in 2006. Table 6 shows the breakdown of the future population forecasts.

Table 6 Breakdown of Population Forecasts

Population Forecasts						
Social Planning District	2006	2011	2016	2021	2026	2031
Wyong	14,648	16,974	18,830	20,139	21,778	23,506
Southern Lakes	26,008	26,453	26,737	27,024	27,257	27,762
The Entrance	26,713	29,850	32,706	34,877	36,812	37,849
Ourimbah	4,879	5,199	5,472	5,744	5,964	6,143
Toukley	9,708	10,581	11,664	12,669	13,865	15,048
Gorokan	19,452	19,497	19,644	19,913	20,372	20,890
Warnervale/Wadalba	12,278	20,651	27,131	34,701	40,460	45,632
San Remo/Budgewoi	19,724	19,865	19,743	20,147	22,690	24,473
Northern Lakes	14,579	14,576	14,957	15,809	15,881	15,958
Rural West	2,397	2,444	2,519	2,620	2,752	2,882
Total	150,386	166,090	179,403	193,643	207,831	220,143

For the purposes of this plan a "Development Unit (DU)" is defined as being equivalent to a three bedroom residential dwelling. Where development other than a three bedroom dwelling is proposed, an equivalent contribution factor based on a proportion of DU will need to be calculated, as follows:

- 4 bedroom dwelling 1.28 DU
- 3 bedroom dwelling 1.00 DU
- 2 bedroom dwelling 0.73 DU
- 1 bedroom dwelling 0.52 DU

For the residential subdivision of land, one lot is taken to be equivalent to one DU.

2.2 Schedules of Calculation and Justification of Contribution Components

The following schedules provide specific detail on the relationship between new development and the demand for Shire-wide or regional infrastructure, services and facilities.

2.2.1 Schedule 1 – Library Services

Nexus

Wyong Shire Council provides a wide range of resources and services through branch libraries located at Bateau Bay, The Entrance, Toukley, Lake Haven, and Tuggerah. The libraries at The Entrance, Tuggerah and Lake Haven also offer a full range of Council services. The administration of the Library Service and technical services such as cataloguing is undertaken by a unit based at the Civic Centre in Wyong. The Wyong Shire Library service is one of the busiest in the State and enjoys wide community support and acceptance.

Libraries have wide catchment areas due to the tendency for many residents to access two or three different libraries depending on their daily movements. Whilst some residents only utilise the library nearest to home, others may use the one nearest to home, as well as one located where they shop, and another that is close to work.

The capacity of the current branches to serve the existing and future population is limited. The floor space available in all of the libraries is below the standard established by the Library Council of New South Wales in their publication *“People places: a guide for public library buildings in New South Wales”*, 2nd edition, Sydney, Library Council of New South Wales, 2005. The number of items which can be accommodated in these facilities and the services and programs which can be offered is constrained by the space available.

“The vital contribution of public libraries to social capital and to the educational and economic development of communities is recognised across the developed world. Support for this role has underpinned the commitment of local and State governments in New South Wales to high quality public library services. Libraries can be fully effective for their communities only if they have the right combination of proficient staff, up-to-date information resources, reliable equipment and telecommunications, and well-planned buildings”. (*“People places: a guide for public library buildings in New South Wales”*, 2nd edition, Sydney, Library Council of New South Wales, 2005).

A number of factors may have an impact on the provision of library services into the future. These include:

- public libraries as places of social capital;
- ageing of the community;
- development of a youth culture;
- creation of new information technologies;
- growth of a multicultural society;
- recognition of indigenous community and its needs;
- a rise in competition and marketing for library service;

- cultural development;
- changing structure of NSW coastal communities; and
- impacts of Urban Consolidation.

These factors will be taken into consideration when planning the future provision of library buildings and services. There are a number of industry benchmarks and standards which will be utilised.

Benchmarks established by the *"Public Library Statistics", Sydney, State Library of New South Wales, 2004 / 2005*, will be used as part of the process to determine the number of items of library stock per capita required. The current benchmark for the provision of library stock in these documents is 2 items per additional person. Also, a survey of similar sized Council's has been undertaken. Whilst Council's current level of provision of library stock is below the recognised benchmark, Council has chosen to base this contributions scheme on a standard of 1.6 items per additional person which is the average rate for the 10 Council's surveyed.

Scheme Detail

The proposed works are described as follows:

The acquisition of library stock at a rate of 1.6 items per additional person. This stock will be incorporated into the existing and future library network and circulated by borrowings and returns.

The benchmark for the number of items per capita is derived from the *"Public Library Statistics", Sydney, State Library of New South Wales, 2004/2005* and a survey of similar sized Councils. The State average for items per capita in 2004/2005 was 2.45 items.

Apportionment of Costs

Costs will be shared by all developments on a population basis.

A Shire wide occupancy rate of 2.92 persons per dwelling (*"Census of Population and Housing, 2001", Canberra, Australian Bureau of Statistics, 2002*) has been used for the purpose of calculating contributions for library stock.

Program for Works and Funding

Income from library stock contributions will be spent in conjunction with Council's normal library expenditure program as identified in the Library Operational Plan and Council Management Plan.

Calculation of the Contribution Rate

Library Stock

The contribution rate is calculated as shown in Table 7.

Table 7 Calculation of Contribution Rate for Library Stock

Item	Cost (\$)
Cost for Library stock item per person	\$57.00
Cost per person (1.6 items per person)	\$91.20
Contribution per DU (2.92 people per DU x \$91.20)	\$266.30
Cost to be met by future development (\$266.30 x 40,317 DUs)	\$10,736,578
Cost to be met by Council (\$266.30 x 1,733 DUs)	\$461,505
Total	\$11,198,083

2.2.2 Schedule 2 – Performing Arts Centre and Public Art

Nexus

Performing Arts Facilities

A *Cultural Plan for Wyong Shire 2005* identifies the lack of cultural facilities in the Shire for a broad range of activities such as performance, rehearsal, workshops, outdoor performance, collection management and exhibitions. This will become more acute as the population of the Shire increases. This view was expressed both by practitioners (community groups, individual artists etc) and by people who are the audience for arts and entertainment. Whilst there are several small district level facilities in the Shire (eg. Toukley Arts Centre, and a dance studio at Wadalba Public School) there is no cultural facility of a Shire wide and /or regional scale.

The *Cultural Plan for Wyong Shire 2005* recommends, in addition to district level facilities for arts and culture, that Council “establish and resource a Performing Arts Facility ... to provide a focus for community cultural activity, community pride and to nurture youth performing arts activity.” It is appropriate for such a facility to be funded by future development across the Shire as all residents potentially benefit from the existence of such a facility.

As a step towards achieving this goal, Council in 2005 commissioned a feasibility study that recommends a performing arts centre to support a diversity of arts programming and that includes a main theatre of up to 400 seat capacity and a smaller “black box” studio space for performance, workshops and exhibitions. Such a facility would be of shirewide significance.

The establishment of a performing arts centre is in Council’s Management Plan 2006-2007, as a key focus area.

Table 8 indicates the total cost to build a performing arts centre on the scale outlined above.

Table 8 Cost of a 400 Seat Performing Arts Centre with “Black Box” Studio Space on either the Memorial Hall or River Road Site

Item	Area (m ²)	\$/m ²	Cost (\$)
Entrance	400	800	320,000
Foyer	400	4,500	1,800,000
Theatre	850	5,800	4,930,000
Studio	200	3,300	660,000
Café/Bar/Kitchen including fitouts	250	3,000	750,000
Admin. Including fitouts	270	2,800	756,000
Back of house	850	2,000	1,700,000
WCs	100	2,774	277,400
Plant Rooms	600	1,800	1,080,000
External Works	500	400	200,000
Terrace	400	2,500	1,000,000
Basement Carparking	2,800	1,250	3,500,000
Sub-Total			16,973,400
Consultancies (design, administration) 10%			1,697,340
Site Costs			1,900,000
Contingency (up to 20%)		say	\$3,000,000
TOTAL (rounded off)			23,600,000

Public Art

Public art is art that is originally created for a public place, whether publicly or commercially owned. This can be two or three dimensional visual art such as sculpture, installations, murals, lighting, projection, water features, and elements of infrastructure. Public art is widely acknowledged to be an essential element in the design of the contemporary built environment, not an optional extra.

The *Cultural Plan for Wyong Shire* 2005 recommends the development of a public art program for Wyong Shire. Public art contributes to placemaking through the creation of “inviting and inclusive outdoor space” and encourages “a sense of community ownership”. Every person in the population generates a need for public places such as town centres, plazas, car parks, recreation areas and community buildings. The provision of attractive public places is expected by the community and is an integral component of urban planning.

Public art aesthetically enhances public places, provides a medium for the expression of the community’s identity, contributes to community life and to people’s use and enjoyment of public places. It contributes to the dignity of formal public occasions such as commemorations and encourages informal interaction in parks, plazas, shopping precincts, community buildings and other public places in a way that can generate tolerance, awareness, identity and mutual respect. Art as a component of public places can have as powerful an impact on community building as libraries or community centres. Such community building is the more important in a community that is experiencing rapid growth.

It is appropriate for the provision of such public art to be funded by future development across the Shire as all residents potentially benefit from the presence of such facilities.

Public places of Shirewide significance can be defined as places that, either now or in the future:

- symbolise the Shire;
- attract a high level of visitation from the Shire and beyond; or
- mark the Major Road gateways to the Shire.

They include:

- Wyong Civic Precinct;
- Wyong Performing Arts Centre;
- The Entrance Town Centre;
- Warnervale Town Centre;
- Wyong Road, Tuggerah, gateway;
- Sparks Road, Warnervale, gateway; and
- The Entrance Road, Forresters Beach, gateway.

Major public art commissions at each of these locations could attract grant funding from both the NSW Ministry for the Arts and the Australia Council and/or sponsorship. Such funding would be contingent on a contribution from Council.

The cost of public art work depends on the physical size, cost of manufacture, installation and the skill and reputation of the artist. To ensure that commissions would attract the interest of established artists and ensure work of high quality and stature, the cost per commission would need to be a minimum \$200,000 (ie. \$1,800,000 in total for shire-wide public art). This figure is commensurate with commissions for similar scale projects in other local government areas.

Scheme Detail

The costs to be recovered under this plan include:

- construction costs for a Performing Arts Centre;
- funding for mayor public art commissions.

Table 9 provides details of the costs to be recovered under this section of the plan.

Table 9 Costs to be Recovered – Performing Arts and Public Art

Description	Total Costs of Providing Performing Arts Centre and Public Art
Performing Arts Centre - Construction Costs	\$23,600,000
Public Art Provision – Major Commissions	\$1,800,000
Total	\$ 25,400,000

Apportionment of Costs

It is proposed that future development within all districts will contribute a share to the construction of a Performing Arts Centre and the Public Art Commissions.

Program for Works and Funding

The Performing Arts Centre is proposed to be established in the medium term with a nominal date of the 4th quarter of 2008 to commence construction.

A Public Art Policy is proposed to be developed in 2006 – 2007 and it is expected public art commissions will commence in 2008.

Calculation of the Contribution Rate

The contribution rate is calculated as shown in Table 10 and Table 11.

Table 10 Calculation of Contribution Rate for Performing Arts Centre

Description	Value
Total cost of the Performing Arts Centre	\$23,600,000
Population contributing (future total population)	220,143
Contribution per person	\$107.20
Contribution per DU (\$107.20 x 2.92 [persons per DU])	\$313.03
Cost to be met by Council (150,386 people X \$107.20)	\$16,121,379
Cost to be met by future development (\$23,600,000 – \$16,121,379)	\$7,478,621

Table 11 Calculation of Contribution Rate for Public Art Commissions

Description	Value
Total cost of the Public Art	\$1,800,000
Population contributing (future total population)	220,143
Contribution per person	\$8.18
Contribution per DU (\$8.18 x 2.92 [persons per DU])	\$23.88
Cost to be met by Council (150,386 people X \$8.18)	\$1,230,158
Cost to be met by future development (\$1,800,000 - \$1,230,158)	\$569,842

2.2.3 Schedule 3 – Regional Open Space

Nexus

Wyong Shire will ultimately contain additional areas of active regional open space. Council has provided Shire wide/regional open space for the existing residents of the Shire, for example at The Entrance (Memorial Park), passive recreation areas alongside Tuggerah, Budgewoi and Munmorah Lakes, Wyong Regional Sports Complex, Extreme Sports Park, Mingara Athletics Track and Swimming Pool, Wyong and Toukley Swimming Pools, The Entrance Ocean Baths, and the like. It is, therefore, considered to be reasonable that future development fund these additional areas.

Pollock Ave

The first area is situated at Pollock Ave Wyong and is known as the Wyong Regional Sporting Complex. This project will incorporate additional playing fields which are likely to be synthetic surfaces. The land containing this complex is already in public ownership and it is not proposed to include any land acquisition costs for this site in this plan. A plan of management for the site exists that outlines the future uses and management of the area.

San Remo

The second area of regional open space will be located at San Remo on land previously owned by Delta Electricity on the corner of Highview Street and Scenic Drive. Council has a 20 year lease on the land holding that includes a dam site and open space adjoining Camp Breakaway. The site will accommodate a number of extreme sporting activities including BMX, mountain bikes, mountain boards, off road inline skates, etc.

Saltwater Creek Park

Saltwater Creek Park proposal is to redevelop an existing park located at the entry to a major area of redevelopment on The Entrance peninsular to increase its capacity and variety to provide for residents and visitors to the Shire. The redevelopment of the park will include the provision of improved amenities, sensory gardens, picnic and BBQ facilities, age specific playgrounds with shade and perimeter fencing and improved facilities for larger groups of people.

Recreation Facilities Strategy

This consultancy project will provide the basis for the for the development of all Sport and Recreation facilities in the short to medium term in the Wyong Shire. The community's needs for Local, Neighbourhood, District and Regional Recreation facilities are identified, prioritised, developed and maintained to encourage a healthy lifestyle and community participation in recreation activities.

Scheme Detail

Pollock Ave

The cost to be recovered under this plan include the investigation, design and construction costs. The total estimated cost for the works at Pollock Ave is \$5,000,000.

San Remo

The remaining stages of the facility will include the development of office space, kiosk, equipment rental space, a storeroom and the development of adjoining land for archery, beach volleyball, obstacles course and rock climbing. These remaining stages are estimated to cost \$500,000 and the timing of these stages will depend on a usage demand analysis.

Saltwater Creek Park

The cost of this redevelopment will include parking and existing shared cycle way and is estimated to cost \$500,000.

Recreation Facilities Strategy

This project will address all forms of sport and recreation in a two stage process and identify high priorities for facility construction. The first stage of the project is estimated to cost \$70,000 and the second stage is estimated to cost \$50,000.

Apportionment of Costs

It is proposed that future development within all districts will contribute a share of the cost of providing future regional open space.

Program for Works and Funding

- The Pollock Avenue site is expected to be complete by 2013
- The San Remo site is expected to be complete by 2010
- The Saltwater Creek Park is proposed to be constructed in 2008/09
- The Recreation Facilities Strategy is expected to be completed in 2007/08

These timeframes are based on participation rate projections and the estimated saturation rate for existing facilities. The development of additional facilities at these sites is contained within the master plans and plans of management for the sites.

Calculation of the Contribution Rate

The contribution rate is calculated as shown in Table 12.

Table 12 Calculation of Contribution Rate for Regional Open Space

Description	Value
Total cost of future regional open space projects not contained in District Contribution Plans	\$6,120,000
Apportionment to future population	100%
Future DUs contributing	42,050
Contribution per DU	\$145.54
Cost to be met by future development ($\$145.54 \times 40,317$ [new DUs])	\$5,867,777
Cost to be met by Council ($1,733 \times \$145.54$)	\$252,223

2.2.4 Schedule 4 – Shire Cycleway Network

Nexus

Council has a program for the continued extension of the Shire's cycleway network to meet the demands of both the existing and future population. Currently a total of 102.7 kilometres of cycleway has been constructed, with a further 152.44 kilometres proposed over the next twenty years. Council Bicycle Plan 2001 provides a breakdown of costings for this work. Only new works have been included in this contributions plan. In the past Council has received a 50/50 grant from the RTA to assist in the construction of off road cycleways (or shared paths). For the purposes of this plan, it has been assumed that this grant arrangement will continue to be received for shared pathways.

Scheme Detail

The proposed works are detailed in Council's Bicycle Plan 2001 and the 2006 review of the Bicycle Plan. Annual expenditure is included in Council's Management Plan. Cycleway construction identified within this Shirewide Contribution Plan is in addition to those cycleways identified within open space works or roads schemes in other district contribution plans and therefore are payable in addition to these other schemes.

Apportionment of Costs

It is proposed that new development will contribute towards a share of costs for providing future cycleways. Projections indicate that Wyong Shire will accommodate an additional 69,759 people in up to 42,050 new dwellings by 2031.

The current population has supplied the existing cycleway network within the Shire. It is considered reasonable for the future population to supply the remainder of cycleway network. Therefore, future development is responsible for a percentage of costs towards the future cycleway network.

Council's Bicycle Plan 2001 identified costs associated with the construction of a further 152.44 kilometres of cycleway. However, since the review of the Bicycle Plan in 2006, Council's standards for the construction of off road cycleways has increased. A breakdown of these costs is shown in Table 13.

Table 13 Costs of Construction of Cycleways

Term	Route Type	Length (m)	Bridges	Cost Estimate	Less RTA Grant	Cost to Plan
Short	On Road	9,000		\$2,400,000		\$2,400,000
	Off Road	8,250	18	\$1,192,500	\$596,250	\$596,250
	Sign Post	26,700		\$104,130		\$104,130
	Sub Total	43,950		\$3,696,630		\$3,100,380
Medium	On Road	12,550		\$4,040,000		\$4,040,000
	Off Road	9,655		\$1,309,650	\$654,825	\$654,825
	Sign Post	34,550		\$230,845		\$230,845
	Sub Total	56,755		\$5,580,495		\$4,925,670
Long	On Road	25,950		\$3,712,000		\$3,712,000
	Off Road	11,685	2	\$1,523,650	\$761,825	\$761,825
	Sign Post	14,100		\$54,990		\$54,990
	Sub Total	51,735		\$5,290,640		\$4,528,815
			Total	\$14,567,765	\$2,012,900	\$12,554,865

Program for Works and Funding

Income from cycleway contributions will be spent annually in conjunction with Council's normal cycleway expenditure programme as identified in the Open Space Business Plan and Council's Management Plan.

Calculation of the Contribution Rate

The contribution rate is calculated as shown in Table 14.

Table 14 Calculation of Contribution Rate for Cycleways

Description	Value
Total cost of future cycleway not contained in District Contribution Plans.	\$12,554,865
Apportionment to future population	100%
Future DUs	42,050
Contribution per DU	\$298.57
Cost to be met by future development (\$298.57 x 40,317 [new DUs])	\$12,037,443
Cost to be met by Council (\$298.57 x 1,733)	\$517,422

2.2.5 Schedule 5 – Administration

Nexus

The effective administration and management of the development contribution process is crucial to achieving the objectives of the Section 94 process. To ensure that contribution funds are managed effectively and that services and facilities are provided within a reasonable time, Council has a number of staff that are directly involved in the contribution process. The administration and management costs to be recovered under this plan only partly cover the full costs of the process; however the Department of Planning recognises that these costs are a legitimate cost able to be recovered under Section 94. The administration costs will be included in all of Council's contributions plans. Based on the coverage of this contributions plan, 15% of the total administration costs are included.

Scheme Detail

The costs to be recovered under this plan include:

- the salary and operating costs over a 5 year period for the coordination of the contribution process;
- a salary component over a five year period for other Council officers who are directly involved in preparing plans and carrying out other Section 94 functions; and
- on-costs, vehicles and award increases over a 5-year period.

Table 15 provides details of the costs to be recovered under this section of the plan.

Table 15 Administration Costs to be Recovered under the Plan

Description	Total Salary & On Costs for 5 year Period	Percentage to be Recovered by S94	Amount to be Recovered across All Contribution Plans	Amount to be Recovered by this Plan Based on 15% of Total Costs
Development Contributions Section Staff	\$1,366,898	100%	\$1,366,898	\$205,035
Accounting Staff	\$430,367	20%	\$86,073	\$12,911
Development Design Staff	\$2,065,821	35%	\$723,037	\$108,456
Subdivision Supervision Staff	\$1,382,307	20%	\$276,461	\$41,469
Total			\$2,452,470	\$367,871

Apportionment of Costs

Costs will be shared by all developments on an equivalent dwelling unit basis. The costs of this scheme have been calculated based on a five-year period – for the purpose of this calculation, the years 2007–2011 inclusive has been used. The total costs over that five-year period have been apportioned over new development forecasted for the same five-year period.

Table 16 provides details of new development forecasted for the period 2007 – 2011.

Table 16 Details of New Development Forecasted

Development Type	Equivalent Dwelling Units or Tenements per Year					
	2007	2008	2009	2010	2011	Total
Subdivision Lots	616	800	860	780	375	3,431
Medium Density	454	450	450	450	454	2,258
Total	1,070	1,250	1,310	1,230	829	5,689

Source: Residential and medium density figures – Department of Planning Metropolitan Development Programme 04/05. Commercial, Industrial and other figures based on historical DA's for 2004 & 2005.

Program for Works and Funding

Income from administration contributions will be allocated annually to the salaries of the relevant staff in conjunction with Council's Management Plan.

Calculation of the Contribution Rate

The contribution for new development is calculated using the following formula:

$$\begin{aligned}
 \text{Contribution Rate} &= \frac{\text{Annual salary costs for staff involved in S94} \times 5 \text{ years}}{\text{Future Equivalent DU in next five years}} \\
 &= \$367,871 \text{ per } 5,689 \text{ DU} \\
 &= \mathbf{\$64.66 \text{ per DU}}
 \end{aligned}$$

Appendix A References

This part provides a list of documents used to prepare this plan.

Schedule 2

"People places: a guide for public library buildings in New South Wales", 2nd edition, Sydney, Library Council of New South Wales, 2005.

"Public Library Statistics", Sydney, State Library of New South Wales, 2004/2005.

"Census of Population and Housing, 2001", Canberra, Australian Bureau of Statistics, 2002.

"Building Cost Guide" for Commercial and Industrial Development prepared by Rawlinsons – 1996 edition.

Schedule 3

Guidelines for the Planning and Provision of Community Facilities in Wyong Shire – Section 94 Background Report.

"Wyong Shire Council Community Plan 2002".

Schedule 4

"A Cultural Plan for Wyong Shire 2005", p.61.

"Wyong Performing Arts Centre Feasibility Study", Tonkin Zuleika Greer, February 2006, p.39-40 & Appendix 8.

"Draft Placemaking and Public Art Policy", WSC, 2006, p.8 & p.75.

"A Cultural Plan for Wyong Shire 2005", p.74.

"How to Turn a Place Around", Project for Public Spaces, 2005, p.11.



Section 94A Levy Development Contributions Plan

August 2013



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Summary Schedules

The following summary schedules are included in this plan:

- Works Schedule (Table 1) and
- Section 94A levy by category of development (Table 2)

Table 1 Summary Schedule – Public Facilities to be Funded by this Plan

Public Facilities	Estimated Costs	Estimated Timeframe
The Art House, Wyong Shire Performing Arts and Conference Centre (Contribution towards Capital Works)	\$2,500,000	2014
Cycleway Network	\$1,000,000	2011 onwards
TOTAL	\$3,500,000	

Table 2 Summary Schedule – Section 94A Levy by Category of Development

Type of Development	Levy (%)	
	\$100,001 - \$200,000	\$200,001 +
Commercial	0.5%	1%
Tourist	0.5%	1%
Government Agencies	0.5%	1%
Industrial	0.5%	1%
Rural	0.5%	1%
Residential (Dwellings and Additions)	0.5%	1%

Refer to Section 1.7 for exemptions.

1 Administration and Operation of this Plan

1.1 Introduction

This plan has been prepared to determine the Section 94A levy that applies to particular development types within Wyong Shire and what public facilities are to be funded by the levy.

This plan has been prepared in accordance with the requirements of the EP&A Act and EP&A Regulation.

In preparing the plan Council has had regard to the most recent (2005) practice notes issued by the NSW Department of Planning in accordance with clause 26(1) of the EP&A Regulation.

Levies paid to Council will be applied towards meeting the cost of provision or augmentation of new public facilities. Appendix A provides a summary of new public facilities which will be provided by Council over the coming years, as well as the estimated cost of provision and timing. In relation to the provision of works, the years shown below are indicative only. The provision of any item will be dependent upon the level of funds collected and other specific requirements of the particular project.

1.2 Name of this Plan

This plan is called the Wyong Shire Section 94A Levy Development Contributions Plan dated August 2013.

1.3 Area to which this Plan Applies

This plan applies to all land within the Wyong Local Government Area.

1.4 Development to which this Plan Applies

This plan applies to development specified in the following table.

Table 3 Section 94A Levy by Category of Development

Type of Development	Levy (%)	
	\$100,001 - \$200,000	\$200,001 +
Commercial	0.5%	1%
Tourist	0.5%	1%
Government Agencies	0.5%	1%
Industrial	0.5%	1%
Rural	0.5%	1%
Residential (Dwellings and Additions)	0.5%	1%

Refer Section 1.7 for exemptions.

1.5 Purpose of this Plan

The primary purpose of this contributions plan is:

- to authorise the Council to impose, as a condition of development consent, a requirement that the applicant pay to the Council a levy determined in accordance with this plan
- to require a certifying authority (Council or an accredited certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to the Council a levy determined in accordance with this plan
- to publicly identify the purposes for which the levy is required
- to govern the application of money paid to the Council under a condition authorised by this plan

1.6 Commencement of this Plan

This plan commences on 7 August 2013.

1.7 Exemptions to the Section 94A Levy

In accordance with the Minister's Direction dated 10 November 2006, a levy will not be imposed on development in the following circumstances:

- where the proposed cost of carrying out the development is \$100,000 or less
- for the purpose of disabled access
- for the sole purpose of providing affordable housing
- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy
- for the sole purpose of the adaptive reuse of an item of environmental heritage
- that has been the subject of a condition under Section 94 under a previous development consent relating to the subdivision of land on which the development is to be carried out
- where a development is to be funded by the Council from development contributions
- where the Council has previously imposed a condition on the same development requiring the payment of a contribution under a Section 94 plan

1.8 Definitions

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

ABS means the Australian Bureau of Statistics

Council means Wyong Shire Council

Development Contributions means a development contribution required to be paid by a condition of development consent imposed pursuant to section 94 of the Act

EP&A Act means the Environmental Planning and Assessment Act 1979

EP&A Regulation means the Environmental Planning and Assessment Regulation 2000

Levy means a levy under section 94A of the EP&A Act authorised by this plan

Minister means the Minister administering the EP&A Act

Public Facility means a public amenity or public service

Section 94 Plan means a development contributions plan made pursuant to Section 94EA of the Act, which authorises the imposition of a condition of development consent requiring the payment of development contributions.

1.9 Continuation of Existing Section 94 Plans

This plan does not repeal any Section 94 plan applying in the Wyong local government area, and those Section 94 plans continue to apply to all development to which they are stated to apply.

There may be some developments that Council will choose to apply the relevant Section 94 contribution rather than the Section 94A levy. The decision on whether to apply Section 94A or Section 94 rests solely with Council and nothing in this plan commits Council to applying the Section 94A levy in lieu of a Section 94 contribution rate or vice versa.

1.10 Council May Require Payment of the Levy as a Condition of Development Consent

Subject to any direction of the Minister under Section 94E of the EP&A Act, this plan authorises the Council to grant consent to development to which this plan applies subject to a condition requiring the applicant to pay to the Council a Section 94A levy as specified in Table 1, provided that the Council does not also impose on the consent a condition pursuant to Section 94 of the Act.

If a Minister's direction under Section 94E is in force, this plan authorises the Council to grant consent to development subject to a condition which is in accordance with that direction.

1.11 Complying Development and Obligation of Accredited Certifiers

In accordance with Section 94EC(1) of the EP&A Act:

- 1 Accredited certifiers must in issuing a complying development certificate impose a condition under Section 94 that requires the payment of monetary contributions calculated in accordance with this development contributions plan. The condition of consent shall also require the payment to be made prior to the commencement of works where building works are involved or prior to the commencement of use where no building works are involved.
- 2 This plan authorises accredited certifiers to impose such a condition. The condition must include a notation that the contribution amounts are indexed on a quarterly basis.
- 3 The amount of contributions and timing of payment shall be strictly in accordance with the provisions of this contributions plan.

It is the responsibility of accredited certifiers to:

- accurately calculate the quantum of contributions or alternatively seek advice and assistance directly from Council; and
- apply the Section 94 condition correctly.

1.12 Construction Certificates and Obligation of Accredited Certifiers

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

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

The only exceptions to the requirement are where a works in kind or dedication of land has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the developer.

1.13 Deferred or Periodic Payments

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

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

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

1.14 Determining the Proposed Cost of Carrying out Development

Clause 25J of the EP&A Regulation sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

25J Section 94A Levy – Determination of Proposed Cost of Development

- 1 The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - a If the development involves the erection of a building, or the carrying out of engineering or construction work – the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation.
 - b If the development involves a change of use of land – the costs of or incidental to doing anything necessary to enable the use of the land to be changed.
 - c If the development involves the subdivision of land – the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- 2 For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- 3 The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - a The cost of the land on which the development is to be carried out;
 - b The costs of any repairs to any building or works on the land that are to be retained in connection with the development;
 - c The costs associated with marketing or financing the development (including interest on any loans);
 - d The costs associated with legal work carried out or to be carried out in connection with the development;
 - e Project management costs associated with the development;
 - f The cost of building insurance in respect of the development;
 - g The costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h The costs of commercial stock inventory;
 - i Any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.

1.15 Indexing the Proposed Cost of Carrying out Development

Pursuant to clause 25J(4) of the Regulation, the proposed cost of carrying out development is to be indexed quarterly before payment to reflect any increase in the *Consumer Price Index All Group Index Number for Sydney* between the date the proposed cost was determined by the Council and the date the levy is required to be paid.

The formula governing indexation of the proposed cost of carrying out development is as follows:

$$\text{IDC} = (\text{ODC} \times \text{Current Index}) \div \text{Base Index}$$

Where

IDC is the indexed development cost

ODC is the original development cost estimated by the Council

Current Index is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics available at the time a levy is paid

Base Index is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics at the date the original development cost was estimated by the Council

Note: *In the event that the Current Consumer Price Index is less than the previous Consumer Price Index, the indexed rates will remain the same.*

1.16 Cost Estimate Reports Must Accompany a Development Application or Application for a Complying Development Certificate

A development application or an application for a complying development certificate is to be accompanied by a report, prepared at the applicant's cost in accordance with this section, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the EP&A Regulation. The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$1,000,000 – no report
- where the estimate of the proposed cost of carrying out the development is between \$1,000,001 and \$5,000,000 – a cost summary report in accordance with Appendix C
- where the estimate of the proposed cost of carrying out the development is \$5,000,001 or more - a detailed cost report in accordance with Appendix D

The Council may, by resolution, dispense with the requirement for a cost summary report where the estimate of the proposed cost of carrying out the development is between \$1,000,001 and \$5,000,000 generally or in a particular case or class of cases.

1.17 Providing a Report for the Purposes of Section 1.16 of this Plan

For the purpose of clause 25J(2) of the EP&A Regulation, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the proposed development cost is between \$1,000,001 and \$5,000,000 - a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report
- where the proposed development cost is \$5,000,001 or more - a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications

The Council may, at the applicant's cost, engage a person referred to in this section to review a report submitted by an applicant in accordance with Section 1.16.

1.18 Calculation of the Levy

The levy will be determined on the basis of the rate set out in Table 3. The levy will be calculated as follows:

$$\text{Levy Payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development (see Section 1.14)

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and, if found to be higher than the original estimate of proposed cost of carrying out the development, no construction certificate will be issued until such time that the levy based on the revised valuation has been paid.

1.19 Adjustment of the Levy

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\$C_0 + (\$C_0 \times [\text{Current Index} - \text{Base Index}]) \div \text{Base Index}$$

Where:

\$C₀ is the original contribution as set out in the consent

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

Base Index is the Consumer Price Index, Australia for Sydney as published by the Australian Bureau of Statistics used in the preparation of this plan which is 173.1 (February 2011)

1.20 When is the Levy Payable?

A levy must be paid to the Council at the time specified in the condition that imposes the levy. If no such time is specified, the timing of the payment of the levy is as follows:

- development consent involving subdivision only – prior to release of a subdivision certificate
- development consent involving building works – prior to the release of the first construction certificate
- development consent where no building approval is required – prior to or at the time development consent is granted
- complying development certificate involving building works – prior to commencement of works
- complying development certificate where no building works are proposed– prior to occupation

In regard to the last case, the applicant may make a cash levy payment prior to issue of the development consent or alternatively lodge a suitable bank guarantee, also prior to issue of the consent. This bank guarantee will be called up upon issue of the consent.

1.21 How will the Council Apply Money Obtained from the Levy?

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Appendix A.

1.22 Pooling of Levies

For the purposes of Section 93E(2) of the EP&A Act, this plan authorises money obtained from Section 94A levies paid in respect of different developments to be pooled and applied (progressively or otherwise) for the public facilities listed in Appendix A.

1.23 Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

1.24 Revision of Plan

This plan may be reviewed and/or amended if the works identified to be funded by this plan are revised.

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

Table 4 Plan Amendments

Adoption Date	Effective Date	Nature of Revision
22 June 2011	17 August 2011	No previous versions
24 July 2013	7 August 2013	Insertion of specific clauses relating to complying development and deferred payment (and minor formatting changes)

2 Expected Development and Demand for Public Facilities

The expected types of development to be levied include, but not limited to, the following:

- Commercial
- Tourist
- Government Agencies
- Industrial
- Rural
- Residential (dwellings and dwelling additions)

The relationship between expected development and the demand for new facilities is established through:

- the population of the Wyong LGA as at June 2009 was estimated to be 149,382¹
- the Central Coast Regional Strategy² identifies the following growth targets for the Wyong local government area over the next 20 years (to 2031):
 - an additional 70,000 people
 - 39,500 new dwellings in existing urban and greenfield areas
 - 19,400 new jobs over the next 25 years
 - an additional 27,000 jobs created within Tuggerah-Wyong, various other town, village and neighbourhood centres, and within the area covered by the draft North Wyong Structure Plan (including the WEZ)
- the increased population will require the provision of additional public facilities
- the increased population will place pressure on existing public facilities and reduce the existing population's enjoyment and standard of public facilities
- the investment in private sector development as a result of the increased population and significant job creation will create community demands and expectations for additional and improved investment in public facilities
- the Section 94A levy will enable Council to provide additional public facilities to meet the expectations of the existing and new residents of the Shire. The public facilities to be funded are set out in Appendix 1

¹ Cat 3218.0 - Regional Population Growth, Australia, 2008-09, Australian Bureau of Statistics

² Central Coast Regional Strategy 2006-31, NSW Department of Planning 2008

Appendix A Details of Public Facilities to be Funded by this Plan

The Art House, Wyong Shire Performing Arts and Conference Centre (\$2,500,000 contribution towards capital works)

A *Cultural Plan for Wyong Shire 2005* identified a lack of cultural facilities in the Shire for a broad range of activities such as performance, rehearsal, workshops, outdoor performance, collection management and exhibitions. This will become more acute as the population of the Shire increases. This view was expressed both by practitioners (community groups, individual artists etc) and by people who are the audience for arts and entertainment. Whilst there are several small district level facilities in the Shire, (eg. Toukley Arts Centre and a dance studio at Wadalba Public School) there is no cultural facility of a shire wide nature.

The *Cultural Plan for Wyong Shire 2005* recommended, in addition to district level facilities for arts and culture, that Council "establish and resource a Performing Arts Facility [now referred to as The Art House]... to provide a focus for community cultural activity, community pride and to nurture youth performing arts activity." It is appropriate for such a facility to be funded by future development across the Shire as all residents potentially benefit from the existence of such a facility.

In 2005 Council commissioned a feasibility study that recommended a performing arts centre to support a diversity of arts programming and that included a main theatre of up to 400 seat capacity and a smaller "black box" studio space for performance, workshops and exhibitions. Such a facility would be of shire wide significance.

In 2006 Council undertook to develop a detailed business plan and concept design informed by the feasibility study.

The outcomes of the feasibility study and project plan were developed into a concept business plan in 2007 and further refined in 2008. The business plan was based on a general design configuration of the proposed centre for the purposes of establishing projected construction and operational costs. The 2008/09 Management Plan included funds to progress the survey, investigation and design component of the Cultural Centre ready for lodgement of a development application.

The following provides an outline of what is proposed. It is proposed to build a 3,800m² (building area) Arts Centre on the Memorial Hall site in Wyong Township. The Arts Centre will contain the following core facilities:

- main auditorium seating 500 people
- a studio auditorium with 120 retractable seats for intimate and other performances (community programs, smaller travelling shows, recitals), able to serve also as a rehearsal/exhibition space
- box office/bar
- meeting room(s)
- office
- generous foyer space to accommodate functions and displays
- an exhibitions gallery as an extension to the foyer

- foyer bar/café
- administration, backstage and service facilities
- a rehearsal/dance studio/storage area
- under-stage pit and Orchestra pit – sufficient to accommodate up to 30 musicians

The Arts Centre is proposed as a local facility servicing Wyong Shire residents and visitors, developed to address the existing need for accessible cultural facilities in this area of the Central Coast. The longer term need for a regional facility is to be addressed in the Regional Cultural Strategy.

Sketch design work has been completed and the project has been granted a DA by the Regional Planning Panel. This stage involved a capital cost estimate. The following table indicates the current estimate of capital costs for the proposed Arts Centre.

Table 5 Estimate of Capital Costs for Cultural Centre at Wyong Memorial Hall Site

Capital Cost Estimates	Cost Estimate
Building including: Demolition, site preparation, construction and contingencies	\$17M
Other costs including: Design fees, authority fees, public art, furniture and equipment	\$3.5M
Cost Escalation – over 4 years at 3% p.a.	\$1.9M
Car Parking Contributions – under Section 94	\$2M
TOTAL COST (in 2012 \$)	\$24.4M

Funds collected through a Section 94A levy will contribute \$2.5million to this project.

Cycleway Network (\$1,000,000 contribution)

Council has a program for the continued extension of the Shire's cycleway network to meet the demands of both the existing and future population. Currently a total of 110 kilometres of off-road cycleway has been constructed, with a further 400 kilometres proposed over the next twenty years.

This plan seeks to collect contributions for new works only.

The proposed works are based upon providing linkages to key attractors and generators as detailed in Council's 2010 *Bicycle and Shared Pathway Strategy*. Annual expenditure for cycleways is included in Council's Annual Plan.

The current population has supplied the existing cycleway network within the Shire. It is therefore considered reasonable for the future population to supply the remainder of cycleway network.

Funds collected through a Section 94A levy (expected to be \$1 million) will be spent annually in conjunction with Council's normal cycleway expenditure programme as identified in the Roads and Stormwater Business Plan and Council's Annual Plan and 4-year Delivery Plan.

Appendix B Section 94A Levy by Category of Development

See Summary Schedules for a summary of levies sought through this plan.

Appendix C Development Contributions Cost Summary Report

(Development Cost between \$1,000,001 and \$5,000,000)

Development Application No: _____ Reference: _____

Complying Development Certificate Application No: _____ Date: _____

Construction Certificate No: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

Analysis of Development Costs:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor Finishes	\$	External Services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub Total	\$

Sub Total Above Carried Forward	\$
Preliminaries and margin	\$
Sub Total	\$
Consultant Fees	\$
Other related development costs	\$
Sub Total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices
- included GST in the calculation of development cost

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

(Acknowledgment to City of Sydney for use of the model cost reports)

Appendix D Development Contributions Registered* Quantity Surveyor's Detailed Cost Report

(Development Cost \$5,000,001 or more)

*A member of the Australian Institute of Quantity Surveyors

Development Application No: _____ **Reference:** _____

Complying Development Certificate Application No: _____ **Date:** _____

Construction Certificate No: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

Development Details:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

Estimate Details:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per m ² of Site Area	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per m ² of Site Area	\$ /m ²
Cost per m ² of Site Area	\$ /m ²	Cost per Space	\$ /m ²
Construction - Commercial	\$	Fit-out – Commercial	\$
Cost per m ² of Commercial Area	\$ /m ²	Cost per m ² of Commercial Area	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m ² of Residential Area	\$ /m ²	Cost per m ² Residential Area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m ² of Retail Area	\$ /m ²	Cost per m ² of Retail Area	\$ /m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors
- calculated the development costs in accordance with the definition of development costs in the S94A Development Contributions Plan of the Council of Wyong at current prices
- included GST in the calculation of the development cost
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2

Signed:

Name:

Position and Qualifications:

Date:

(Acknowledgment to City of Sydney for use of the model cost reports)