



Draft
Warnervale District
Contributions Plan

Main Document

September 2020

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1. Introduction

1.1 Plan summary

Warnervale is located in the North Wyong region of the Central Coast Local Government Area (LGA). The Warnervale District includes the suburbs of Warnervale, Woongarra, Hamlyn Terrace, Wadalba, Kanwal, Halloran and parts of Wyong and Jilliby.

The Central Coast Regional Plan 2036 identifies Warnervale as a regional growth centre as it undergoes transformation from a semi-rural district to an urban residential and employment hub. By 2036, it is planned to accommodate almost 11,900 new dwellings for more than 36,200 people and generate significant employment growth.

The types of public amenities and public services required to meet the demands of the expected future development, and for which the costs are included in this plan, are as follows:

- local and district parks;
- local and district sporting and recreation facilities;
- local and district community facilities;
- local and district roads, cycleways and intersections;
- drainage and water quality works;
- environmental corridors; and
- plan studies and administration.

The total costs of infrastructure provision in the plan amount to approximately \$324.5 million. For most of the infrastructure facilities, Council is funding the full cost from contributions. However, for some facilities, such as the Indoor Recreation Centre, the costs are shared with the broader rate base due to the shared demand with existing residents in the region.

The objectives of this plan are to ensure:

- consent conditions are authorised;
- there is a demonstrated nexus between the works and the development areas identified to contribute to the cost of those works;
- the equitable apportionment of costs among development; and
- that reasonable contribution rates are applied in all parts of release areas.

This plan repeals the *Warnervale District Contributions Plan 2015* (former plan). The former plan reflects the infrastructure planning in predecessor contributions plans for the Warnervale Town Centre (WTC) (from 2012) and the Wadalba, Woongarra and Hamlyn Terrace (WWAHT) release area (from 2013). These separate plans were integrated back into the contributions plan for the broader Warnervale District in 2015.

The result of years of amending and consolidating the various contributions plans in the Warnervale District had led to a complex array of contributions rates. This plan seeks to simplify the former plan by consolidating contribution sub-catchments in the various infrastructure categories.

This plan consolidates multiple sub catchments for drainage and open space into a single catchment to better streamline the different contributions payable by development. It also consolidates 11 former catchments for transport into 5 catchments, which reflects a practical grouping of traffic network sub catchments east and west of the railway line.

The planning and development of the WWAHT and WTC is well underway. Central Coast Council¹ (Council) has levied contributions for development already progressed under predecessor contributions plans, or in accordance with planning agreements with developers. Therefore, some of the infrastructure included in this plan has already been provided and costs already incurred are being recouped through contributions.

The plan also includes South East Wadalba (SEW) precinct (also referred to as 'Wadalba South') which is currently being rezoned for urban development at the time of plan preparation, and Bruce Crescent precinct, which is to be rezoned for urban development in the future. Council has made assumptions about the anticipated land uses and the public services and amenities that will be required in Bruce Crescent, once developed. Once this area is rezoned, Council might need to review the plan to accommodate any material differences in these assumptions. This plan does not include drainage or water quality infrastructure contributions for West Warnervale, which includes Bruce Crescent and other WEZ land, because the needs have not yet been scoped or costed. Once again, the plan might need to be reviewed to include these costs once known.

1.2 Legislative requirements

This plan is predicated on the assumption that the development of land generates additional demand for infrastructure which necessitates new or augmented infrastructure. The authority for local councils to require contributions of money, land or works to help meet those additional demands is contained in the legislation.

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) authorises a consent authority, responsible for determining a development application, to grant consent to a proposed development subject to a condition requiring the payment of a monetary contribution and/or the dedication of land free of cost towards the provision of public amenities and public services.

Where the consent authority is a council or an accredited certifier, a contribution under Section 7.11 of the EP&A Act may only be imposed on a development if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan enables Council to levy Section 7.11 contributions for certain public amenities and public services in the Warnervale District where new development will or is likely to increase the demand for such amenities and services.

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

¹ Formerly Wyong Shire Council before City of Gosford and Wyong Shire Councils were amalgamated in 2016.

1.3 How to use this plan

The plan is structured in the following way.

Main Document (this document):

- Part 1 contains an introduction to the plan, the name of the plan, the date on which the plan commenced, the plan's purpose, and a description of the land and types of development affected by this plan.
- Part 2 contains summaries of contribution rates and the assumptions informing the derivation of the contribution rates. It also contains guidance on how to calculate a contribution for any development affected by the plan.
- Part 3 provides information about how and when contributions shall be imposed on developments.
- Part 4 describes how a contribution may be settled by a developer once it has been imposed by a consent authority on a development consent.
- Part 5 contains other provisions relevant to the administration of section 7.11 contributions relating to development in the Warnervale District.

Technical Document:

The accompanying **Technical Document** contains:

- detailed information on the assumptions that have been used to determine the contribution rates in this plan;
- information on the projected demand for infrastructure from the expected development;
- the infrastructure that has been planned and how it is proposed to be delivered;
- other relevant information that has been used to determine the contribution rates;
- the schedules of land to be acquired and works to be undertaken, and
- maps showing the location of proposed infrastructure.

1.4 Name of this plan

This contributions plan is called the "**Warnervale District Contributions Plan 2020**" (the 'plan').

1.5 Commencement of this plan

This plan commences on {date} i.e. the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation.

1.6 Purposes of this plan

The primary purpose of this plan is to authorise:

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

to require a contribution to be made towards:

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

Other purposes of the plan are:

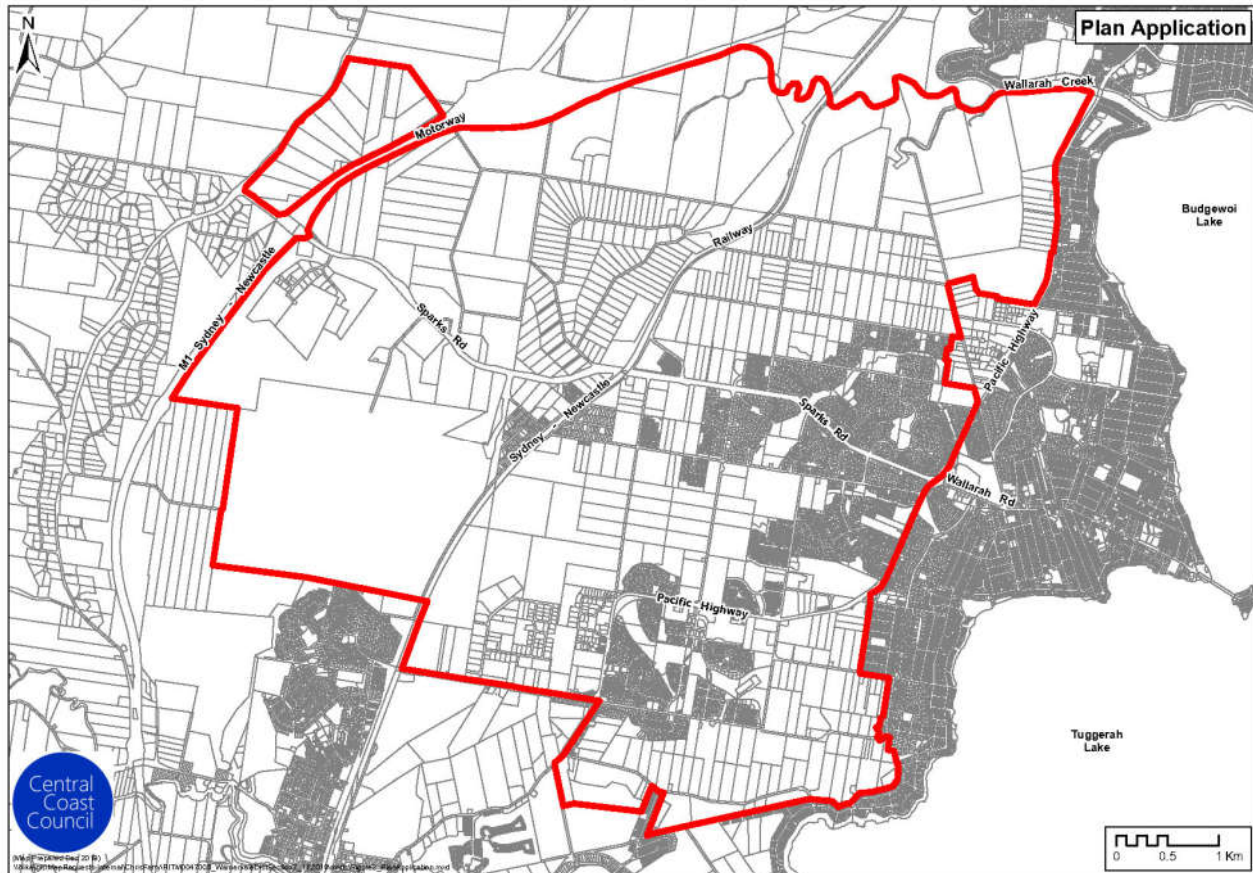
- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within the area;
- to determine the demand for public amenities and public services generated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

Contributions from development levied under this plan will not be used to address any backlog in the provision of works and services for the existing population, including in surrounding districts.

1.7 Land to which this plan applies

This plan applies to all development situated within the Warnervale District as shown in **Figure 1**. This also provides the different development areas within the District.

Figure 2 shows the five catchments for which different transport contributions are levied under the contributions plan. The section below explains the development areas and catchments in more detail.

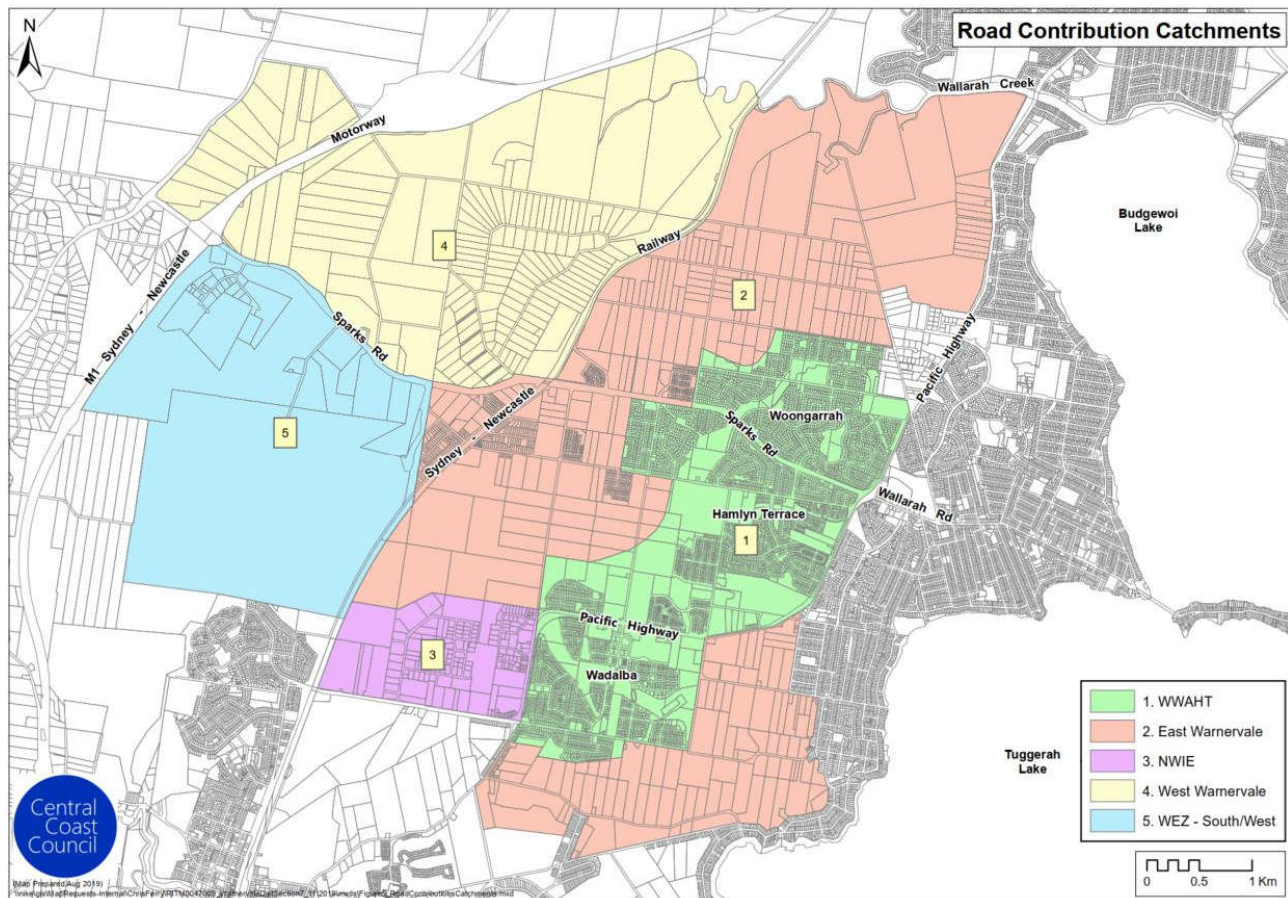
Figure 1 Warnervale District Plan application

1.8 Development to which this plan applies

Development within the application areas of this plan (**Figure 1**), which will likely increase the demand for or require the provision of public services and amenities, are subject to this plan.

The type and quantum of the contributions applicable to any development will be determined by:

- the form of the development proposed; and
- the location of the development site.

Figure 2 Warnervale District transport catchments for contributions in this plan

Note: NWIE is the North Wyong Industrial Estate and WEZ is the Wyong Employment Zone.

1.8.1 Contributions catchments

The costs of open space, recreation and community facilities, and drainage and stormwater quality infrastructure are levied across all of the development areas in the Warnervale District as a single catchment.

Transport contributions are levied on five separate catchments including the East and West Warnervale catchments and other distinct development areas. The five transport catchments and associated development areas within the Warnervale District that this plan applies to are:

1. Wadalba, Woongarrah & Hamlyn Terrace (WWAHT)
2. East Warnervale transport contributions catchment, which includes:
 - a. Precinct 7A
 - b. Warnervale Town Centre (WTC)²
 - c. South & East Wadalba (SEW)
 - d. Precincts 8 and 9
3. North Wyong Industrial Estate
4. West Warnervale transport contributions catchment, which includes:
 1. WTC West (west of the railway line)
 2. Wyong Employment Zone (WEZ) Mountain Road
 3. Precinct 14

² Only the WTC east of the railway line is included in the transport catchment.

4. Bruce Crescent
5. WEZ South/West and Education Site

The estimated dwelling and population yields and NDA assumptions in this plan for each catchment are provided in **Tables 10** and **11** in **Section 3.1**. More detail on each of these catchments and development areas are contained in the **Technical Document (Section A1)**.

1.9 Exempted development from contributions

The following developments are exempt from the requirement to make a contribution under this plan:

- development for the sole purpose of adaptive reuse of an item of environmental heritage.
- seniors housing development defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider (not self-contained dwellings forming part of seniors' housing development).
- development for drainage, water quality works, utilities, open space, community facilities or transport infrastructure purposes to be provided by State Government or Council;
- development exempted from section 7.11 contributions by way of a direction from the Minister for Planning under section 7.17 of the EP&A Act; and
- any other development that in the opinion of Council does not increase the demand for the categories of public facilities and services addressed by this plan.

Exemptions are subject to the applicant providing a written justification (with the development application) that demonstrates to Council's satisfaction that the exemption is warranted, with relevant supporting evidence.

Developments on land where developers are required to provide onsite water quality treatment as part of development consents are exempt from water quality contributions only. These are identified in **Section 2.3** and **Figure 3**.

1.10 Local infrastructure for provision under this plan

The total value of the various categories of public amenities and public services that will be funded by contributions under this plan, excluding environmental conservation works, is summarised in **Table 1**. The value of works (including land) represents both the value of expenditure that has been completed to date and the value of remaining works that are yet to be completed.

For some infrastructure categories, certain item costs are not being fully funded by contributions but are shared with the existing rates base. More detail on the infrastructure strategies and apportionment of costs in the plan is contained in **Section A2** of the **Technical Paper**.

The total value of environmental conservation works (including land) related to the Wadalba Environmental Corridor and floodplain restoration works in Precinct 7A is in **Table 2**. These costs are recovered in contributions from the sub catchment areas which directly benefit from the works.

The costs in **Tables 1** and **2** are in March 2020 dollars, reflecting the base period of the plan.³

Table 1 Summary of infrastructure costs to be funded by the plan

Category	Value of projects under the plan
Open Space Land	\$38,983,377
Open Space Works	\$35,110,237
Community Facilities Land	\$1,761,784
Community Facilities Works	\$42,174,093
Transport Facilities Land	\$5,745,357
Transport Facilities Works	\$98,899,404
Drainage/Water Quality Land	\$19,107,773
Drainage and Flood Mitigation Works	\$40,697,163
Water Quality Works	\$23,574,226
Plan studies and administration	\$10,253,181
TOTAL PLAN COSTS	\$316,306,596

Note: Plan costs exclude environmental corridor / floodplain restoration costs which are shown in **Table 2**.

Table 2 Summary of environmental corridor and floodplain restoration costs to be funded by the plan

Category	Value of projects under the plan
Wadalba Corridor Land	\$2,319,377
Wadalba Corridor Works	\$1,453,871
Wadalba South Corridor Land	\$1,360,000
Addition to Wadalba Corridor	\$2,142,041
Precinct 7A Floodplain restoration works	\$889,383
TOTAL PLAN COSTS	\$8,164,672

³ Some land is also included at its unindexed value (e.g. for the 'Wadalba Environmental Corridor') in accordance with Council policy but this does not alter the base period of the plan.

2. Contributions rates and calculations

The plan seeks to recover \$324.5 million to fund the infrastructure requirements which arise as a result of the needs of new development in the Warnervale District to 2036.

Under State Government policy, development areas in NSW are subject to a limit on residential contributions whereby development cannot be charged a contribution above a maximum limit without a review of the contributions plan by IPART⁴. When the current capping framework was first introduced by the State Government in 2009, the State Government provided an exemption from the maximum limits for areas in NSW where more than 25% of the planned development had been completed. The Warnervale District was included among the exempted areas and this policy still applies. Therefore, there are no maximum amounts which apply to contributions for residential development in the Warnervale District (apart from a small area of land in Wadalba South which was outside the original boundary for Warnervale District, as shown in **Figure 3** in **Section 2.3** below.)⁵ The contributions that are shown in the subsequent sections, even if they are above the capped levels, apply to development unless it is exempt from contributions (as per **Section 1.9**).

2.1 Residential development contribution rates

Table 3 shows a summary of the base contributions rates for residential development in each contributions catchment and the adjustments to contributions that are applicable in certain sub catchments.

The actual contribution payable for residential development will depend on the type of dwelling to be developed and the number of bedrooms, as well as the Net Developable Area (NDA) for the proposed development.

Tables 4 to 6 show the contribution rates for each residential catchment separately by dwelling type (based on bedroom number) and the NDA for the proposed development:

- **Table 4** shows the rates for WWAHT
- **Table 5** shows the rates for East Warnervale and
- **Table 6** shows the rates for West Warnervale.

These tables also show the environmental corridor and floodplain restoration contributions that are payable in certain WWAHT and East Warnervale sub catchments only, and the areas within East Warnervale (some areas of WTC only) where stormwater quality contribution exemptions apply.

Table 7 provides the assumed occupancy rate for each dwelling type upon which the contributions for each dwelling type have been calculated. These occupancy rates are also applied in calculating any credits payable for existing development

⁴ Independent Pricing and Regulatory Tribunal.

⁵ The limit of \$20,000 per dwelling/lot does apply to development in this area.

Table 3 Residential contributions summary of base rates and adjustments (if applicable)

Infrastructure Category	Contributions (per person) by transport catchment			Contribution (per ha of NDA)
	Wadalba, Woongarra and Hamlyn Terrace	East Warnervale Contributions Catchment	West Warnervale Contributions Catchment	WWAHT & East Warnervale Catchments ^a
Open space	\$2,046	\$2,046	\$2,046	-
Community facilities	\$1,213	\$1,213	\$1,213	-
Transport	\$2,588	\$1,954	\$3,328	-
Drainage	-	-	-	\$81,334
Stormwater quality ^b	-	-	-	\$40,615
Plan preparation & administration	\$190	\$190	\$190	-
TOTAL CONTRIBUTION	\$5,402	\$6,776	\$4,950	\$121,949

Adjustments for Environmental Conservation contributions only if applicable:	
WWAHT:	
Warnervale Wadalba Environmental Corridor Works (See Figure 3 for relevant areas as does not apply WWAHT catchment-wide)	+\$47,939
Addition to Environmental Corridor Lands (See Figure 3 for relevant areas as does not apply WWAHT catchment wide) ^c	+\$66,689 per ha of designated land that is cleared
East Warnervale Catchment:	
Land Subject to the \$20,000 per dwelling/lot cap (small area of Wadalba South – see Figure 3)	\$20,000 total
Floodplain restoration works (Precinct 7A only - see Figure 3)	+\$6,459
Stormwater quality exemption (See Figure 3)	-\$40,615
Wadalba South Environmental Corridor Land (Wadalba South only - see Figure 3)	+\$8,635

Notes: East Warnervale Precinct is the consolidation of four precincts, east of the Northern Railway - Precinct 7A, WTC (east only), Precincts 8 & 9 and SEW, for the purposes of levying transport contributions. West Warnervale Precinct is the consolidation of another four precincts west of the Railway - Precinct 14, WTC - West, Bruce Crescent Precinct and WEZ - Mountain Road.

Adjustments for the 'Warnervale Wadalba Environmental Corridor Works', 'Stormwater quality exemption', 'Floodplain restoration works' and 'South Wadalba Environmental Corridor Land' are quoted per hectare of NDA.

a Drainage and stormwater quality infrastructure contributions are not applicable to the West Warnervale Catchment under this plan because much of this area is not yet rezoned (e.g. Bruce Crescent) and stormwater infrastructure needs where there is a shared demand across developments have not yet been determined for this catchment.

b Not all development within East Warnervale is levied stormwater quality contributions (since exemptions apply to those developments in WTC required to provide onsite treatment).

c Rate refers to the area of designated land that is to be cleared of vegetation (see **Section 4.4.3** of the **Technical Document**).

Table 4 Section 7.11 residential contribution rates – WWAHT

		Residential Contributions by Dwelling Type						Plus Drainage/ Stormwater Quality Contributions
Infrastructure category		Per person*	per final lot or 4+ bedroom dwelling	per 3 bedroom dwelling	per 2 bedroom dwelling	per 1 bedroom dwelling	per studio dwelling or long term caravan site(1)	per ha of NDA (all dwellings)
Open space and recreation facilities	Land	\$1,076	\$3,444	\$2,691	\$1,830	\$1,399	\$1,130	-
	Works	\$969	\$3,102	\$2,424	\$1,648	\$1,260	\$1,018	-
Community facilities	Land	\$49	\$156	\$122	\$83	\$63	\$51	-
	Works	\$1,164	\$3,726	\$2,911	\$1,980	\$1,514	\$1,223	-
Transport facilities	Land	\$159	\$510	\$398	\$271	\$207	\$167	-
	Works	\$1,794	\$5,742	\$4,486	\$3,051	\$2,333	\$1,884	-
Drainage facilities	Land	-	-	-	-	-	-	\$25,986
	Works	-	-	-	-	-	-	\$55,348
Stormwater quality facilities	Works	-	-	-	-	-	-	\$40,615
Plan administration		\$190	\$607	\$475	\$323	\$247	\$199	-
TOTAL CONTRIBUTIONS		\$5,402	\$17,288	\$13,506	\$9,184	\$7,023	\$5,672	\$121,949
Adjustments (other contributions) if applicable:								
Warnervale Wadalba Environmental Corridor Works (See Figure 3 for relevant areas as does not apply WWAHT catchment-wide)								+\$47,939 per ha of NDA
Addition to Environmental Corridor Lands (See Figure 3 for relevant areas as does not apply WWAHT catchment-wide)*								+\$66,689 per ha of designated land that is cleared

* the per person rate is relevant to calculating the contributions for boarding houses, group homes, and hostels (0.5 per bed).

Notes: Residential development is levied the relevant per dwelling contribution AND the per hectare of NDA contribution plus contributions for environmental corridor related land and works, only if applicable.

Secondary dwellings are charged contributions based on the number of bedrooms in the dwelling (and not the NDA) or studio rates where there are no separate bedrooms.

Table 5 Section 7.11 residential contribution rates – East Warnervale

Infrastructure category		Residential Contributions by Dwelling Type						Plus Drainage/ Stormwater Quality Contributions
		Per person [*]	per final lot or 4+ bedroom dwelling	per 3 bedroom dwelling	per 2 bedroom dwelling	per 1 bedroom dwelling	per studio dwelling or long term caravan site(1)	per ha of NDA (all dwellings)
Open space and recreation facilities	Land	\$1,076	\$3,444	\$2,691	\$1,830	\$1,399	\$1,130	-
	Works	\$969	\$3,102	\$2,424	\$1,648	\$1,260	\$1,018	-
Community facilities	Land	\$49	\$156	\$122	\$83	\$63	\$51	-
	Works	\$1,164	\$3,726	\$2,911	\$1,980	\$1,514	\$1,223	-
Transport facilities	Land	\$137	\$439	\$343	\$233	\$179	\$144	-
	Works	\$3,190	\$10,209	\$7,976	\$5,424	\$4,148	\$3,350	-
Drainage	Land	-	-	-	-	-	-	\$25,986
	Works	-	-	-	-	-	-	\$55,348
Stormwater quality ^a	Works	-	-	-	-	-	-	\$40,615
Plan administration		\$190	\$607	\$475	\$323	\$247	\$199	-
TOTAL CONTRIBUTIONS		\$6,776	\$21,685	\$16,941	\$11,520	\$8,809	\$7,115	\$121,949
Adjustments (other contributions) if applicable:								
Land Subject to the \$20,000 per dwelling/lot cap (small area of Wadalba South – see Figure 3)								\$20,000 total
Stormwater quality exemption (only WTC sub catchment 2 still to be developed - see Figure 3)								-\$40,615
Floodplain restoration works (Precinct 7A only - see Figure 3)								+\$6,459
Wadalba South Environmental Corridor Land (Wadalba South only - see Figure 3)								+\$8,635

* the per person rate is relevant to calculating the contributions for boarding houses, group homes, and hostels (0.5 per bed).

Notes: Residential development is levied the relevant per dwelling contribution AND the per hectare of NDA contribution plus contributions for environmental corridor related land and works, only if applicable.

Adjustments for the 'Stormwater quality exemption', 'Floodplain restoration works' and 'Wadalba South Environmental Corridor Land' are quoted per hectare of NDA.

Secondary dwellings are charged contributions based on the number of bedrooms in the dwelling or studio rates where there are no separate bedrooms.

a Not all development within East Warnervale is levied stormwater quality contributions (since exemptions apply to those developments in WTC required to provide onsite treatment).

Table 6 Section 7.11 residential contribution rates – West Warnervale

		Residential Contributions by Dwelling Type					
Infrastructure category		Per person*	per final lot or 4+ bedroom dwelling	per 3 bedroom dwelling	per 2 bedroom dwelling	per 1 bedroom dwelling	per studio dwelling or long term caravan site(1)
Open space and recreation facilities	Land	\$1,076	\$3,444	\$2,691	\$1,830	\$1,399	\$1,130
	Works	\$969	\$3,102	\$2,424	\$1,648	\$1,260	\$1,018
Community facilities	Land	\$49	\$156	\$122	\$83	\$63	\$51
	Works	\$1,164	\$3,726	\$2,911	\$1,980	\$1,514	\$1,223
Transport facilities	Land	-	-	-	-	-	-
	Works	\$1,501	\$4,803	\$3,753	\$2,552	\$1,951	\$1,576
Drainage	Land	-	-	-	-	-	-
	Works	-	-	-	-	-	-
Stormwater quality	Works	-	-	-	-	-	-
Plan administration		\$190	\$607	\$475	\$323	\$247	\$199
TOTAL CONTRIBUTIONS		\$4,950	\$15,839	\$12,374	\$8,414	\$6,435	\$5,197

* the per person rate is relevant to calculating the contributions for boarding houses, group homes, and hostels (0.5 per bed).

Notes: Residential development is levied the relevant per dwelling contribution AND the per hectare of NDA contribution plus contributions for environmental corridor related land and works, only if applicable.

Secondary dwellings are charged contributions based on the number of bedrooms in the dwelling or studio rates where there are no separate bedrooms.

The West Warnervale catchment is not levied drainage or stormwater quality contributions because the associated infrastructure requirements for this catchment have not yet been determined.

Table 7 Assumed occupancy rates for calculating contributions and demand credits

Residential dwelling size – no. of bedrooms	Adopted occupancy rate
Studio dwelling (including secondary dwelling), long term caravan site	1.05
1 bedroom dwelling (including secondary dwelling)	1.30
2 bedroom dwelling (including secondary dwelling)	1.70
3 bedroom dwelling	2.50
4+ bedroom dwelling / residential allotment	3.20
Self-contained tourist accommodation (i.e. boarding houses, group homes and hostels)	0.5 per bed

2.2 Environmental corridor and floodplain restoration contributions

Environmental corridor contributions apply to certain sub catchments of WWAHT only, while additional contributions for floodplain restoration works apply to development in Precinct 7A within the East Warnervale catchment only.

The contributions will fund the cost of conserving areas of land and native vegetation within the Wadalba Environmental Corridor (with additions) and the restoration of the Warnervale Floodplain in Precinct 7A. Contributions are confined to these sub catchments because the need for the works arises from development in these areas only.

Table 8 lists the contributions with the sub catchment areas and **Figure 3** below shows where the sub catchment areas apply.

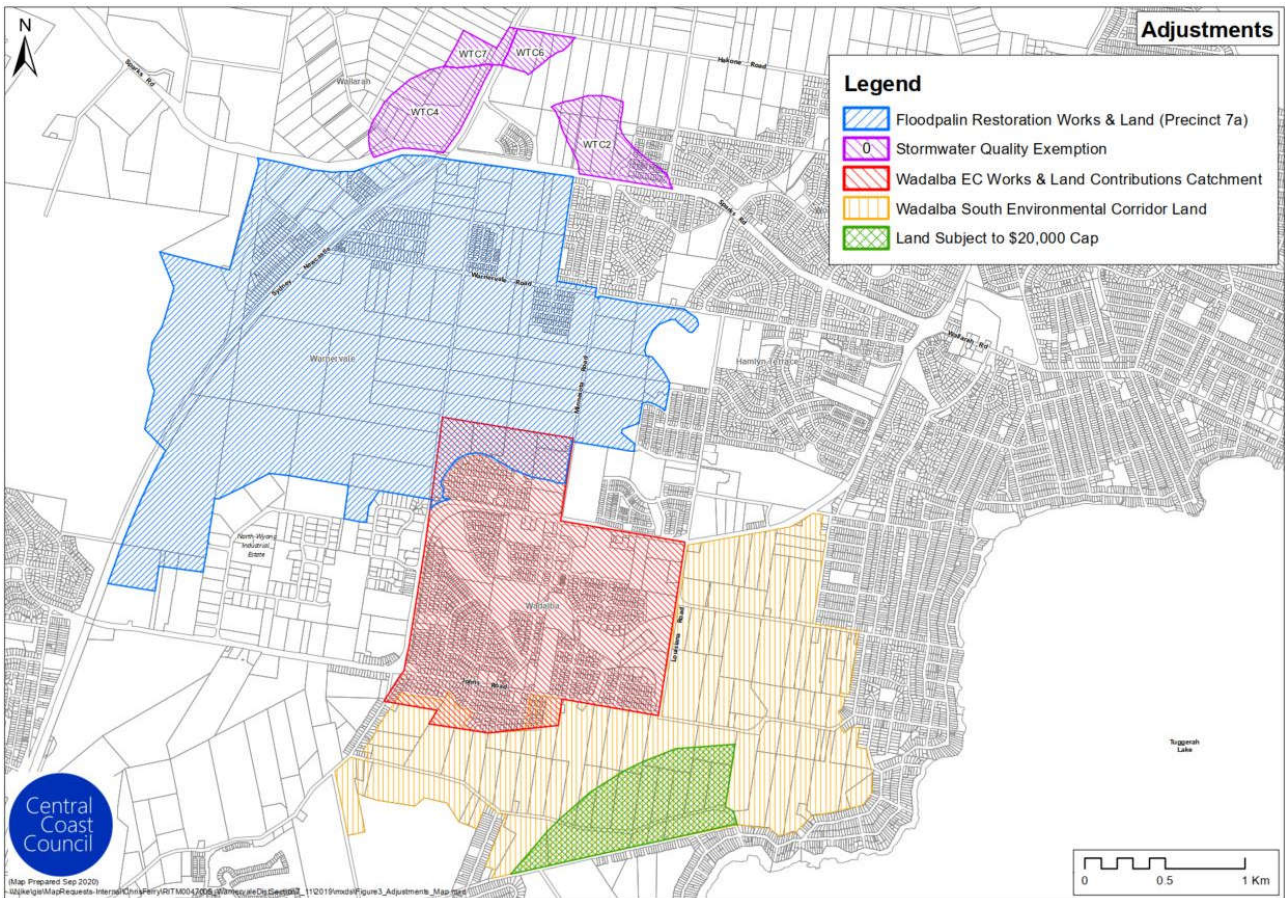
Table 8 Environmental corridor and floodplain restoration contributions

Environmental land/works	Designated environmental conservation areas
Floodplain Restoration Works	Precinct 7A (all residential development)
Wadalba Corridor Land	Certain WWAHT sub catchment areas only
Wadalba Corridor Works	Certain WWAHT sub catchment areas only
Addition to Wadalba Environmental Corridor	Certain WWAHT sub catchment areas only
Wadalba South Environmental Corridor	Certain East Warnervale sub catchment areas only i.e. Wadalba South

2.3 Stormwater quality contribution exemptions

The areas that are exempt from stormwater quality contributions because development has or will be expected to provide on-site treatment infrastructure as part of consent conditions are shown in **Figure 3**. This table shows how only development in WTC 1b, 3, 4, 6 and 7 is not yet complete, among the areas which are exempted. Therefore, only developments in these sub catchments will need to receive this exemption when contributions are levied under this amended plan.

Figure 3 Areas where contribution adjustments apply



2.4 Calculating residential development contributions

Based on the contributions rates and other exemptions presented above, the calculation for a residential development contribution applying to a single dwelling or other dwelling type, is as follows:

$$(C_p * OR) + (C_{NDA} * NDA_D) + (C_E * NDA_D) - (C_{SQ} * OR)$$

Where

C_p = Total (unadjusted) contribution (\$) per person for the contribution catchment from **Table 3**

OR = Adopted occupancy rate from **Table 7** for the relevant dwelling type

C_{NDA} = Total contribution (\$) per ha of NDA for contributions catchment from **Table 3**

NDA_D = Development NDA in hectares

C_E = Environmental corridor* or floodplain restoration contribution (\$) per hectare of NDA, only if applicable (see **Table 8**)

* Note that for the 'Addition to Environmental Corridor Lands' contribution, the multiplier is the hectares of cleared vegetation in the designated area, not the development NDA

C_{sq} = Residential stormwater quality contribution (\$), only if the development is exempt (which applies to one WTC sub catchment not yet developed only - see **Figure 3**).

2.5 Non-residential development contribution rates

The non-residential contributions levied under this plan are in **Table 9**. Non-residential contributions are levied based on the net developable area (NDA) of the development.

Table 9 Non-residential contributions (\$ per ha of NDA)

Infrastructure Category	WWAHT	East Warnervale Contributions Catchment	West Warnervale Contributions Catchment	North Wyong Industrial Estate	WEZ - South & West/ Education Precinct
Transport	\$186,997	\$50,073	\$33,042	\$48,762	\$13,280
Drainage	\$81,334	\$81,334	\$0	\$81,334	-
Stormwater quality	\$40,615	\$40,615	\$0	\$40,615	-
Plan preparation & administration	\$9,373	\$9,373	\$9,373	\$9,373	\$9,373
TOTAL CONTRIBUTION (per ha of NDA)	\$318,319	\$181,395	\$42,414	\$180,084	\$22,653
= per sqm of NDA	\$31.83	\$18.14	\$4.24	\$18.01	\$2.27

Other adjustments if applicable (East Warnervale only):					
Stormwater quality exemption (See Figure 3 for areas)		- \$40,615 per ha of NDA = -\$40.62 per sqm of NDA			

Note: The West Warnervale and WEZ – South & West / Education Precinct catchments are not levied drainage or stormwater quality contributions because the associated infrastructure requirements for these catchments have not yet been determined.

Where development is subject to more than one of the section 7.11 contributions listed in **Tables 4 to 6 or 9** (as a combination of residential and non-residential development, for example), the total contribution will be the sum of all the contributions that apply to that development.

Where a proposed development displaces an existing residential development, a credit will be granted for that existing development type. Credits shall be calculated based on the occupancy rates in **Table 7** for residential

development only. Credits will only be provided for existing non-residential development where contributions have been previously paid.

2.6 Calculating non-residential development contributions

Based on the contributions rates and other assumptions presented above, the calculation for a non-residential development contribution, is as follows:

$$(C_{NDA} * NDA_D) - (C_{SQ} * NDA_D)$$

Where:

C_{NDA} = Total contribution (\$) per ha of NDA for contributions catchment from **Table 9**

NDA_D = Development NDA in hectares

C_{SQ} = Non-residential stormwater quality contribution (\$) per ha of NDA, only if the development is exempt (which applies to one WTC sub catchment not yet developed only, as in **Figure 3**).

3. Infrastructure needs, costs and staging

3.1 Developable land

Table 10 shows the net developable area (NDA) by residential and non-residential development in each of the contribution catchments. The expected densities in each precinct have informed the projected dwelling yield (**Table 11**).

Table 10 NDA by catchment and assumed densities for residential NDA

Precinct (with zoning)	Non Residential NDA	Residential NDA	Total NDA
WWHAT	2.8	355.9	358.7
East Warnervale Catchment	19.8	332.4	352.2
West Warnervale Catchment	205.2	45.1	250.3
WEZ – South/West /Education Precinct	108.3	-	108.3
North Wyong Industrial Estate	24.4	-	24.4
TOTAL	360.5	733.4	1,093.9

3.2 Occupancy rates and population projections

Based on the anticipated development yield in each precinct, Council's assumed occupancy rates for different types of dwelling types have informed the population projections in the plan out to 2036 (**Table 11**).

Council has assumed that the average occupancy rate for R2 and R1 residential land (for low density residential) land is 3.1 persons, and the average for B2 and B4 business land (where residential development also occurs) is 2.23 persons. More detail about the average occupancy rate assumptions underpinning the population projections is contained in the **Technical Document**.

The population projections include precincts already rezoned (WWAHT, Precinct 7A and WTC), SEW which is soon to be rezoned at the time of this plan's preparation and other precincts that are yet to be rezoned but are expected to be within the timeframe of this plan.

Therefore, all of the development forecast within each of these precincts is expected to contribute to the demand for facilities (as reflected by their apportionment) in the plan.

Table 11 Population projections summary for Warnervale District

Development Area	Projected Lots/Dwellings	Projected Population	% of Population
WWHAT	5,339	16,549	46%
East Warnervale Contributions Catchment	5,796	17,444	48%
West Warnervale Contributions Catchment	729	2,224	6%
WEZ – South/West/Education Precinct	0	0	0%
North Wyong Industrial Estate	0	0	0%
Total	11,864	36,218	100%

The total projected population under this plan (36,218) is higher than the projected population under the former plan (34,800), owing to a combination of higher forecast dwelling yields in the WTC, SEW and Bruce Crescent precincts (which, as a whole, is only partially offset by lower forecast yields in WWAHT and Precinct 7A) and larger assumed average household sizes for detached dwellings (usually, with 4 bedrooms).

3.3 Non-residential demand

There is forecast to be a total of around 360.5 hectares for employment generation activities (based on the NDA for non-residential development in **Table 10**) across the Warnervale District (in areas covered by this plan).

The retail, commercial and industrial development will generate demand for traffic, drainage and water quality infrastructure and are apportioned costs towards these items in addition to studies and administration.

Much of this demand is concentrated in and around the WTC and in the WEZ, where the North Wyong Shire Structure Plan (NWSSP) had targeted jobs of 1,200 and 6,000 respectively.⁶ Jobs will also be generated in the NWIE, and the local centres of Precinct 7A and SEW precincts, but contributions towards traffic infrastructure by retail and other forms of commercial development in residential precincts is discounted, as explained in **Section 3.4.3**.

3.4 Nexus for the infrastructure and apportionment of costs

In the next sections, a short summary of the infrastructure required to meet the new demand across the District is provided for each of the categories with the calculation of the rates for these categories. **Section A2** of the **Technical Document** provides more detail about how Council has determined the need for the infrastructure in the plan.

⁶ North Wyong Structure Plan 2012, p 23.

3.4.1 Open space facilities

This plan includes total open space costs of \$74.1 million, made up of \$35.1 million for embellishment works and \$39.0 million for land costs, to provide sufficient and accessible facilities to the new residents of the Warnervale District. In total, this will provide 62.31 ha of open space in various local and district park and active open space facilities for new residents.

The rate of provision of additional open space is below the *Wyong Open Space Plan's* minimum standard of 3 hectares per 1,000 residents. This standard does include environmental areas that may provide some residual passive recreational opportunities, and not all accessible open space areas for residents of Warnervale (including areas that may be outside the District) are included in the land costs in the plan.

The open space facilities in the plan, including those provided and those yet to be provided, are in **Table 12**. More details on the nature of these facilities is in the **Technical Document** in **Section A2.1**.

Table 12 Plan's open space provision for Warnervale District

Open space recreation category	Area Type	Area Details	Provided	Planned	Total Area
Passive & Informal Active	Small Parks	WWAHT	9.49	0.20	9.69
	Large Parks	WWAHT	6.05	-	6.05
	Small & Large Parks	Precinct 7A	-	7.99	7.99
	Large Parks	WTC – Ridge Park East & Ridge Park West	-	5.14	5.14
	Small & Large Parks	Wadalba South	-	3.15	3.15
	District Parks	Hill Top Park	-	4.59	4.59
Formal Active	Playing Fields & Courts	Wadalba Sporting Complex & WWAHT Sports Fields	19.38	5.20	24.58
Other	Semi natural areas	Woongarra	0.29	0.56	0.85
TOTAL PLANNED PROVISION			35.20	26.83	62.03
FOR AN EXPECTED POPULATION OF 36,218					= 1.71 ha per 1,000 people

Note: The areas and provision rate in this table are based on the total land acquired or to be acquired in the plan for open space purposes plus any additional land to be embellished for open space purposes in the Warnervale District, including 0.31 hectares of additional open space embellishment on drainage land (park S6.2 in WWAHT).

Calculating open space contributions

The contribution formula for open space facilities can be expressed as:

$$\text{Contribution per person (\$)} = \frac{\sum \text{\$INF}}{P}$$

Where:

\\$INF = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the open space items in the area to which this plan applies (see **Table 1**).

P = Forecast new population in the Warnervale District under this plan who will demand the facilities (see **Table 11**).

Staging of open space facilities

The majority of land for open space in WWAHT has already been acquired. Significant investment has been undertaken through the former plan for the provision of the playing field facilities (approximately \$21 million for land and works), which at the time of provision required substantial forward funding.

The acquisition of other land for open space facilities in Precinct 7A, SEW and Bruce Crescent will occur when the land on which it is located is developed, and where it will be required to be dedicated as a condition of the development consent.

3.4.2 Community Facilities

The community facilities to be provided under the plan include three local community centres (at Wadalba, Hamlyn Terrace and South and East Wadalba), a district community hub including multi-purpose community spaces and a library, and an indoor recreation centre for which only a partial share of total costs are included (**Table 13**). The total cost for community facilities in the plan is \$43.9 million.

Table 13 Proposed Warnervale District community facilities

Community facilities	Details	Existing GFA (m ²)	Planned GFA (m ²)	Total GFA (m ²)	Land area (m ²)
CF1 Wadalba Community Centre	On Wadalba Community School – Completed 2000	400		400	Nil
CF3 Hamlyn Terrace Community Centre	Completed 2011 and opened May 2012	408		408	2,500
CF5 & 6 Warnervale Community Hub (District)	Centre includes multipurpose community centre, youth space, arts/cultural space, customer service space, technology space and library.		4,000	4,000	10,000

Community facilities	Details	Existing GFA (m ²)	Planned GFA (m ²)	Total GFA (m ²)	Land area (m ²)
CF7 Indoor Recreation Centre	Facility includes aquatic hall & pools, health & fitness areas, amenities and external areas		7,747	7,747	20,000
CF8 Additional Local Community Centre	Multipurpose centre in South & East Wadalba Central		400	400	3,500
TOTAL AREA TO BE PROVIDED		808	12,147	12,955	36,000
TOTAL AREA TO BE PROVIDED EXCLUDING INDOOR RECREATION CENTRE		808	4,400	5,208	16,000
PROVISION (M²) PER 1,000 PERSONS EXCLUDING INDOOR RECREATION CENTRE (population = 36,218)				144	

Council plans to co-locate or cluster facilities in highly visible central locations with connectivity to complimentary land uses and public transport to enhance community access and safety and facilitate high levels of usage.

Council has also identified the need to provide an **Indoor Recreation Centre** within the Greater Warnervale District to provide future residents with the ability to satisfy a range of passive and active recreational needs, as well as leisure needs with a recreational focus within both structured and non-structured formats.

The land area required for the facility is 2.0 hectares and the total floorspace for the centre is estimated to be around 7,747 m².

The Centre will have broader regional demand beyond the Warnervale District covered by this plan and will comprise mainly aquatic facilities, including a main (50m+) competition pool, spectator facilities, leisure pool, spas, saunas and water slides.

To reflect the broader regional demand, the cost of the Centre is apportioned over the total projected population growth of the Northern Part of the LGA (former Wyong Shire Council) such that just 27% of the total cost of \$42.8 million (\$11.5 million) is apportioned to the Warnervale District in the plan.

More details on the nature of the community facilities is in the **Technical Document** in **Section A2.1.2**.

Calculating community facility contributions

The contribution formula for community facilities can be expressed as:

$$\text{Contribution per person (\$)} = \frac{\sum \text{\$INF}}{P}$$

Where:

- \$INF** = the estimated apportioned cost, or if the facility has been completed, the indexed actual apportioned cost, of providing each of the community facilities and indoor recreation facility in the area to which this plan applies (see **Table 1**).
- P** = Forecast new population in the Warnervale District under this plan who will demand the facilities (see **Table 11**).

Staging of community facilities

The proposed Warnervale Community Hub has been identified as a priority. The remaining facilities will not be provided until a substantial part of WTC, Precinct 7A and South East Wadalba have been developed and contributions have been received from these precincts.

3.4.3 Transport

The road network in the Warnervale District was originally designed, constructed, augmented and maintained to serve a rural population up until the mid-1990's when the area was identified for urban expansion. The transformation of the area from a rural district to an urbanised area will eventually result in approximately 147,000 additional daily vehicle trips (DVTs).

Without investment in roads and intersection upgrades the projected additional traffic from the future development in the Warnervale District will reduce the safe and efficient operation of the existing road network.

This plan incorporates the significant investment in the road network to cater for the needs of the new development in Warnervale District, and provides for:

- new and upgraded road links that meet the needs of the release area (i.e. only the extra pavement width attributable to higher order roads (compared with local roads) is to be funded via development contributions);
- new intersections and upgrades to existing intersections;
- new cycleways to ensure the connectivity within precincts for new development, particularly to and from town centres and open space facilities.

The total investment in transport infrastructure in the plan is \$104.6 million, including \$50.9 million in road-related work and associated land costs and \$53.8 million in intersection costs. In amending this plan, some major transport works from the former plan were removed because it is now clear that they will be provided by Transport for NSW (e.g. the Railway Road (Link Road) and the Pedestrian Railway Bridge on Sparks Road).

There are 5 road catchments which represent discrete contributions areas with distinct road network needs. **Figure 2** illustrated these catchments. Transport costs in the plan are apportioned to residential and non-residential development based on relative assumed traffic generation within each catchment, as shown in **Table 14**.

Each catchment is required to contribute to each road and intersection work that it impacts on in terms of its estimated traffic generation based on the total projected DVT as a proportion of the total projected DVTs from all catchments that impact each work.

Table 14 Apportionment of transport costs by catchment

	WWAHT	East Warnervale Contributions Catchment	West Warnervale Contributions Catchment	WEZ - South & West/ Education Precinct	North Wyong Industrial Estate	Total
Total DVTs	45,331	76,633	16,360	7,226	1,625	147,175
% of Total DVTs	41%	39%	16%	2%	2%	100%
Residential DVTs	44,609	75,345	5,398	0	0	125,352
Non-residential DVTs	722	1,288	10,962	7,226	1,625	21,823
Residential costs	\$32,332,286	\$58,051,496	\$3,338,442	-		\$93,722,223
Non-residential costs	\$523,590	\$991,442	\$6,779,059	\$1,438,654	\$1,189,792	\$10,922,538
TOTAL TRANSPORT COSTS	\$32,855,876	\$59,042,938	\$10,117,501	\$1,438,654	\$1,189,792	\$104,644,761

Note: A catchment's share of total transport costs will not equate to the percentage share of DVTs for the catchment because it is based on the cost of the apportioned works within the catchment. Non-residential DVTs include discounting (to 10%), as applicable.

Figures showing the location of the transport infrastructure items are provided in **Section 4** of the **Technical Document**.

Calculating transport contributions for development

Contributions will be required from residential and non-residential development in the Warnervale District (where covered by this plan) toward roads, intersections and cycleways identified under this plan.

The need for the transport works arises from the likely use of the new facilities, and so the apportionment of costs between residential and non-residential development in each catchment is based on the relative trip generation by each type of development (or the number of assumed DVTs). The apportioned costs are then used to calculate the roads contribution for residential and non-residential development in each catchment.

Contributions are levied on a per person basis for all residential development given that the population largely drives the demand for the transport facilities. Contributions are levied on an NDA basis for all non-residential development including industrial subdivisions in North Wyong Industrial Estate, West Warnervale, WEZ South/West and the Education Site and other forms of non-residential development in residential catchments (e.g. in WWAHT or East Warnervale catchments).

Calculating transport contributions for residential development

The residential contribution formula for transport by catchment can be expressed as:

$$\text{Contribution per person (\$)} = \frac{\sum \text{\$INF}}{P}$$

Where:

- \$INF** = the apportioned estimated cost to residential development in the transport catchment to provide the transport infrastructure item, or if the infrastructure has been completed, the apportioned indexed actual cost, of providing each of the transport works in the catchment (see **Table 14** for the sum of residential costs by catchment).
- P** = Forecast new population in the transport catchment under this plan who will demand the facilities (see **Table 11**).

Calculating transport contributions for non-residential development

The non-residential contribution formula for transport by catchment can be expressed as:

$$\text{Contribution per ha of NDA (\$)} = \sum \frac{\text{\$INF}}{\text{NDA}}$$

Where:

- \$INF** = the apportioned estimated cost to non-residential development in the transport catchment, or if the infrastructure has been completed, the apportioned indexed actual cost, of providing each of the transport works in the catchment (see **Table 14** for the sum of non-residential costs by catchment).
- NDA** = NDA (in hectares) for non-residential development in the transport catchment (see **Table 10**).

Calculating transport contributions for non-residential development in residential precincts

In the former plan, non-residential developments in predominantly residential catchments (such as WWAHT and East Warnervale), were levied contributions based on the number of DVTs that the development was expected to generate.

A discount was also applied to reduce the assumed DVTs by non-residential development. The rationale was that only up to 25% of the DVTs by most non-residential development under the Transport for NSW Traffic Generating Guidelines are likely to be DVTs generated externally from the Warnervale District. Further, many non-residential developments will predominantly service the residential development of the Warnervale District only and so only external DVTs should be accounted for in determining the demand for roadworks by non-residential development.

Therefore, to ensure there is an equitable balance in the funding of road works between residential and non-residential uses and to encourage non-residential uses, the former plan assumed 10% of the DVTs for non-residential development (in accordance with the Transport for NSW guidelines for the number of DVTs by different land uses).

To simplify implementation of this plan, transport contributions for all non-residential development, including in residential catchments, will now be levied on a per hectare of NDA basis only. The discount afforded to non-residential development compared with residential development (of 10% of DVTs) has still been factored into

the apportionment of costs between residential and non-residential development in residential catchments and the assumed trips generated for non-residential development. However, the contribution rate will no longer be a function of the estimated DVT for a particular development; instead it is based on the NDA of the site under this plan.

Section A2.2 of the **Technical Document** provides more detail on the apportionment approach for transport costs.

Staging of transport infrastructure

As shown in the works schedule in **Section 4** of the **Technical Document**, the majority of the land has already been acquired for transport facilities. Further, around 18 items of roadwork altogether costing around \$18 million have also already been completed or are near completed, while 6 intersection items costing around \$9 million have been constructed.

Remaining roadwork and intersection works will continue to be prioritised to cater for the needs of adjoining development, including the SEW traffic needs in East Warnervale. For intersections, stage 2 involving retrofitting signals will occur when the average delay for the intersection exceeds 42 seconds or when there are safety issues.

3.4.4 Drainage and Water Quality

There are approximately \$83.4 million in total for drainage and water quality infrastructure costs in the plan made up of \$59.8 million in drainage costs (\$19.1 million for land and \$40.7 million for drainage and flood mitigation works), and \$23.6 million in water quality treatment works (**Table 1**).

Drainage costs are levied on a single catchment basis whereby collectively, developments are apportioned a share of the drainage and water quality treatments they demand. This approach recognises that natural water catchments (Porters Creek and Woongarra Creek) all drain downstream towards Wyong River outside the southern end of the Warnervale District boundary.

Contributions for drainage infrastructure in the plan are to fund a range of needs including:

- Porter Creek diversion scheme drainage works (\$16.5 million)
- Drainage land for the major floodplain (\$4.2 million) and land for other drainage and stormwater quality infrastructure and floodways (\$14.9 million)
- Culvert costs of \$12.7 million.

Contributions for water quality infrastructure will fund the centralised water quality treatment basins infrastructure (where decentralised treatment is not practical) at an estimated cost of \$5.7 million, as well as wetland restoration and other works.

Some sub catchments require onsite water quality treatment as part of development and so are not levied any water quality treatment costs. These were identified in **Figure 3**.

The rezoning proposal for the SEW at the time this plan was prepared was used to determine the drainage and water quality infrastructure needs for this precinct in East Warnervale.

For the Wyong Employment Zone (WEZ), the drainage and water quality infrastructure will be at the developers' cost. Future schemes are yet to be determined for the WEZ or Bruce Crescent precinct (not yet rezoned). The plan will be updated as necessary with relevant infrastructure costs as the schemes are developed.

Table 15 Stormwater infrastructure NDA and apportioned costs

	Drainage & flood mitigation	Stormwater quality
Non-residential NDA (ha)	47	47
Residential NDA (ha)	688	533
Residential costs	\$55,982,235	\$21,665,316
Non-residential costs	\$3,822,701	\$1,908,910
TOTAL STORMWATER COSTS	\$59,804,936	\$23,574,226

Note: Stormwater quality facility costs include works costs (not land) only.

Calculating drainage contributions for residential development

The residential contribution formula for drainage and stormwater quality can be expressed as:

$$\text{Contribution per ha of NDA (\$)} = \sum \frac{\$INF}{NDA}$$

Where:

\$INF = the apportioned estimated cost to residential development to provide the drainage infrastructure item, or if the infrastructure has been completed, the apportioned indexed actual cost, of providing each of the drainage works in the District (see **Table 15**).

NDA = NDA (in hectares) for residential development in the drainage catchment, which excludes exempted areas for stormwater quality (see **Table 15**).

Calculating drainage contributions for non-residential development

The non-residential contribution formula for drainage and stormwater quality can be expressed as:

$$\text{Contribution per ha of NDA (\$)} = \sum \frac{\$INF}{NDA}$$

Where:

\$INF = the apportioned estimated cost to non-residential development, or if the infrastructure has been completed, the apportioned indexed actual cost, of providing each of the drainage works (see **Table 15**).

NDA = NDA (in hectares) for non-residential development in the drainage catchment, which excludes exempted areas for stormwater quality (see **Table 15**).

Staging of drainage infrastructure

Drainage and Water Quality Land - The acquisition of drainage and water quality land will generally occur when the land, on which it is located, is developed. A condition of the development consent will require such land to be dedicated.

The exception is drainage land identified as floodplain, where a deed of agreement is in place with an existing landowner for the acquisition of approximately 130 ha of the total 200 ha (approximate) upon the rezoning of Precinct 7A. This is consistent with the strategy in the Warnervale Floodplain Restoration Plan (2016) to conserve the Warnervale Floodplain.

Drainage channel works will largely be undertaken by developers as works in kind when developing the land on which the drainage works are located on. Works identified within this plan and for which contributions are levied may be subject to a credit under a Works in kind (WIK) Agreement entered into prior to the works being undertaken.

Some drainage channels have been constructed in the WWAHT. However, substantial sections of the remaining drainage channels still require completion. It is proposed that the channel through the Wadalba Environmental Corridor will remain in a largely natural state and some restoration works will be required as development proceeds.

Culverts – Council has made significant progress in providing the planned culverts with the Minnesota Road Culvert (DcAD1), the Mataram Road Culverts (dcB1 & dcB2) and the Warnervale Road Culvert (dcAB4) completed. The major culverts under the Pacific Highway have also been completed except for two (dcD2 & dcD4), which will be required to be upgraded as part of the development of the adjoining lands. The balance of the other culverts will also be required to be upgraded as the development of adjoining lands proceeds.

Water Quality Works – More details on the drainage and stormwater quality infrastructure is in the **Technical Document** in **Section A2.3**.

3.4.5 Floodplain restoration works

The plan includes costs to restore Warnervale Floodplain in Precinct 7A (\$0.9 million). Contributions are levied only on development in Precinct 7A (of \$6,442 per hectare of NDA) for the works because a precondition for the development in this precinct is the provision of bio-diversity offsets for the development of land, which the adjoining floodplain is suitable for.

The Warnervale Floodplain Restoration Plan (2016) prescribes the nature of the water management works necessary to restore lands within the Warnervale Floodplain, a key component of the local and regional water management system for Precinct 7A and the protection of Porters Creek Wetland.

3.4.5 Environmental corridor land and works

The plan includes costs to implement Council's strategy for conserving areas of native vegetation which comprise the preservation of:

- the Wadalba Environmental Corridor (\$3.8 million)
- the Wadalba South Environmental Corridor (\$1.4 million), and
- the Additional Wadalba Environmental Corridor (\$2.2 million).

The environmental conservation contributions are confined to development in specific sub catchments which generate a need for the work (see **Table 8** (in this document) and **Figures A.14 to A.17** in the **Technical Document**).

3.4.6 Plan studies and administration

The plan levies for plan studies and administration costs of \$3.1 million and \$7.1 million respectively, which altogether account for \$10.3 million or 3% of the total costs in the plan.⁷

⁷ Numbers do not add up due to rounding.

4. Contributions requirements and settlement

4.1 Timing of payments

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

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

4.2 Policy on deferred or periodic payments

Deferred or periodic payments may be permitted in the following circumstances:

- Where the applicant has reached agreement with the Council to provide works in kind, land dedication and/or material public benefits documented in a formal Planning Agreement, which makes detailed and specific provision for the dedication of, and/or, the carrying out of work-in-kind and/or the provision of a material public benefit in partial or full satisfaction of a condition imposed on the development consent, and, as an integral part of the delivery of that package of works process, sets out an alternative timing for the payment of monetary contributions, with security if required, or:
- In other circumstances, such as financial hardship. This must be substantiated in writing by the applicant with appropriate documentation, which demonstrates the financial hardship to be both severe and sufficiently unique as to distinguish the applicant from any other applicant. Council, on the specific merits of the case must also determine that the deferred or periodic payment of the contributions will not cause prejudice to the community deriving benefit from the works, or the timing or the manner of the provision of the public facilities included in the works schedule within this plan.

It should be noted in respect to the dot point above that it is essential for any local government authority to treat all applicants and developers equally by the same criteria and, given that there is potential for a pecuniary advantage for one applicant or developer in the context of a deferral of payment which, if extended to all, would prejudice the timing of the works schedule, such an application without unique and severe extenuating circumstances is unlikely to succeed.

Should Council agree to accept deferred or periodic payments having regard to the above circumstances, and unless otherwise expressed within a formal Planning Agreement, Council will require the applicant to provide a non-expiring bank guarantee by an Australian bank for the full amount of the contribution, or the outstanding balance, and enter into a Deed of Agreement on condition that:

- the Deed of Agreement is to be prepared by Council’s solicitors at full cost to the applicant prior to the bankers’ guarantee being submitted to Council.
- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest, plus any charges associated with establishing or operating the bank security.
- The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. Section 7.11 development contributions for development of Lot xx DP xxx under Development Application No. xxx Condition No. xxx)
- the bank unconditionally agrees to pay the guaranteed sum to the council if the council so demands in writing not earlier than 6 months from the provision of the guarantee or completion of the work.
- the maximum time period for a deferred payment will be limited to 12 months.
- 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.
- the bank's obligations are discharged when payment to the Council is maden accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- the bank guarantee will be called up by Council should the contributions, together with accrued interest and any other charges associated with establishing or operating the bank security, are not be paid by the due date outlined in the Deed of Agreement.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

4.3 Infrastructure delivery requirements in conditions of consent

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring a contribution under section 7.11 of the EP&A Act on that approval for:

- the provision, extension or augmentation of local infrastructure to be provided by Council; and
- the recoupment of the previous costs incurred by Council in providing existing local infrastructure.

4.3.1 Contributions for land for infrastructure required under this plan

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

- the dedication of land for public purpose free of cost to the Council; and/or
- the payment of a monetary contribution to the Council for land for public amenities and public services identified in this plan.

Wherever land required under this plan is situated within a development site, the Council will require the developer of that land to dedicate such land as a condition of consent. The EP&A Act does not allow an accredited certifier other than a council to impose a condition requiring the dedication of land free of cost.

Land that is required for wider public purposes has been included in the works schedule with a value, which is used in determining the rate of monetary contributions required for development under this plan.

Council will only acknowledge the estimated value under the plan as a credit and allow it to be offset against the required monetary contributions. Where the credit value exceeds the value of the monetary contributions required, the residual value of a credit may be used as an offset against future contribution obligations for developments undertaken in the same plan area, in accordance with the provisions of the EP&A Act.

Land credits given under the former plan will not automatically be permitted to be offset against contributions required under this plan in full. The offset of credits previously attained for land under a former plan cannot exceed the new cost base in this plan for the same land.

Some land, such as local road reserves, some pedestrian interconnections, and drainage land identified in strategic planning and/or Development Control Plan will be required to be dedicated under this plan at no cost to Council. In such cases, the land will primarily benefit the existing development, or alternatively, will involve an addition to a network for which other developments have made, or will make, a contribution in the form of land.

4.4 Other contributions to be taken into account

Council, in proposing to impose a requirement for contributions towards public amenities and public services, will take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the plan area (or any adjoining area) or previously paid to the consent authority, other than:

- a benefit provided as a condition of the grant of development consent under the EP&A Act; or
- a benefit excluded from consideration by a planning agreement.

In order for Council to consider the previous benefits made by the applicant, details must be submitted at the time of the development application.

A reduction in the contribution requirement under this plan may be considered where it can be described / demonstrated by the applicant that:

- the land, money or other material public benefit previously provided continues to provide an ongoing benefit to the community; and
- the benefit was not required to be provided under a condition of consent (including a condition imposed under Section 7.11 of the EP&A Act) or under a planning agreement; and
- the benefit offsets some of the need for public amenities and public services identified in this plan; and
- the financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether the Council would need to make up for any shortfall in contributions by its agreement to reduce the contribution).

Council shall have sole discretion as to whether it is appropriate for land, money or other material public benefit to be recognised as a discount against contributions required under this plan.

4.5 Obligations of Accredited Certifiers

4.5.1 Complying Development Certificates

Accredited certifiers must, in issuing a complying development certificate, impose a condition under Section 7.11 that requires the payment of monetary contributions to Council calculated in accordance with this plan.

The condition shall also require the payment to be made prior to the issue of the complying development certificate and therefore, prior to the commencement of works where building works are involved or prior to the commencement of use where no building works are involved.

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.

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:

- a accurately calculate the quantum of contributions or alternatively seek advice and assistance directly from Council; and
- b apply the Section 7.11 condition correctly.

4.5.2 Construction Certificates

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.

4.6 Indexation of contribution rates under this plan

The purpose of this section is to ensure that the monetary contribution rates imposed at the time of development consent are adjusted to reflect the indexed cost of the provision of public amenities and public services. The exception is contributions for the Wadalba Corridor Land and the Additional Wadalba Corridor Land which will not be indexed from the base period of this plan.

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

$$\text{\$C}_A \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where:

\\$C_A is the monetary contribution rate at the time of adoption of the plan expressed in dollars.

Current CPI is the latest quarterly Consumer Price Index (All Groups Index) for Sydney published by the ABS at the time of the update of the contribution rate.

Base CPI is the quarterly Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the date of adoption of this plan.

Note: The Quarterly CPI shall not be applied where it results in a reduction in the contribution rate.

It is Council's intention to regularly review the costs of land to be acquired under this plan. These reviews will be carried out by a registered valuer and any adjustment of land values in the plan (other than by the CPI) will require amendment and public exhibition of the plan.

The current contribution rates are published by the Council and are available on the Council's website.

4.7 Adjustment to contributions on payment

The purpose of this section is to ensure that the monetary contributions imposed on developments at the time of consent are adjusted at the time of payment to reflect the indexed cost of the provision of public amenities and public services included in this plan (with the exception of contributions for the Wadalba Corridor Land and the Additional Wadalba Corridor Land).

The monetary contribution must be indexed between the date of the consent and the date of payment in accordance with the following formula:

$$\$C_P = \frac{\$C_C \times CPI_P}{CPI_C}$$

Where:

\$C_P is the contribution amount payable

\$C_C is the contribution amount shown in the consent expressed in dollars

CPI_P is the latest quarterly Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the time of the payment of the contribution

CPI_C is the latest quarterly Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the time of the issue of the consent.

Note: The contribution payable will not be less than the contribution specified in the consent.

4.8 Contributions by land dedication or undertaking works

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

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

A developer is required to make prior written representations to Council at which time the proposal may be considered. Any offer of works or land should be consistent with the relevant LEP and DCP applying to the land.

Council encourages developers to provide works in kind or dedicate land (as identified in this plan) in lieu of making cash contributions, provided prior written agreement is reached with Council, with a Works in kind Agreement.

Approval to offset the value of the land, works or other material public benefit against contributions will not be automatic. Applications will be considered on their merits (refer to **Section 4.8.1** below).

Where the value of a particular works in kind, land dedication or material public benefit exceeds the contributions payable for that category of work, this surplus value may (subject to Council's written concurrence) be applied against other categories of contributions that are payable in respect to the subject development or other developments on land covered by this plan.

Council will reimburse any surplus offsets value either at the time identified in a planning agreement (which has been entered into before the grant of development consent) or when a Works in kind Agreement has been entered into and all of the following criteria have been met:

1. All of the developer's land within the area serviced by the subject works or land has been developed and all relevant contributions under this plan have been fully offset by the value of works or land
2. Sufficient uncommitted funds exist in the fund, which is at Council's discretion with regard to implementation of the overall works program.

Valuation of offers of works, other material public benefits or land will be carried out in accordance with **Sections 4.8.3 and 4.8.4.**

4.8.1 Consideration of works or material public benefit offers

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

- the requirements contained in any material public benefits or works in kind policy that the Council has adopted; and
- the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required; and
- the standard and timing of delivery of, and security arrangements applying to, the works which are the subject of the offer are to Council's satisfaction; and
- the conditions applying to the transfer of the asset to the Council are to Council's satisfaction; and
- the provision of the works, land or material public benefit will not prejudice the timing or the manner of the provision of public amenities and public services included in the works program.

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

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

4.8.2 Agreements to be in writing

Council will require the applicant to enter into a written agreement - either a Works in kind agreement or a Voluntary Planning Agreement - for the provision of works prior to the commencement of the works for the development. If the offer is made by way of a draft Voluntary Planning Agreement under the EP&A Act, the Council will require the agreement to be entered into and imposed as a condition in the development consent.

A Works in kind or Voluntary Planning Agreement shall be made between the Council and the developer and the landowner (if the developer is not the landowner).

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

4.8.3 Valuation of works in kind, land and other material public benefits

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

The value of land required to be dedicated under this plan is the attributable cost of the land (or a proportion of the attributable cost if the offer only involves part of the land) indexed in accordance with the provisions of this plan. Having regard to Section 7.11(5)(b) of the *Environmental Planning and Assessment Act 1979*, land cannot be included in a WIK.

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

The value of works in kind or any other kind of material public benefit will be determined by a process agreed to between the Council and the person making the offer at the time the development application is being assessed and prior to the issue of a notice of determination. Council will require the developer to provide evidence that a quantity surveyor supports the valuation of work, and where additional verification is required, this will be at no cost to Council.

4.8.4 Dedication of land required under this plan

Council will require land identified in this plan to be dedicated as a condition of consent and may be dedicated free of cost in lieu of making a contribution towards the acquisition of land required under this plan. The agreed value of that land will reflect the value of land in the plan, with indexation in accordance with the provisions of the plan.

Council will only accept land dedication where that land is of a suitable nature for the purpose for which it is being dedicated. All land shall be developed for the purposes for which it is being dedicated, unless otherwise agreed by Council. In such cases, as a minimum, it shall be free of any improvements, structures or other impediments which would restrict or hinder its future use. Such land shall also be free of any refuse, contamination, or the like, unless otherwise agreed by Council.

Drainage or environmental lands shall be rehabilitated back to their natural state in accordance with an approved vegetation management plan at no cost to Council prior to dedication, unless other funding arrangements are in place under this plan or via a planning agreement with alternative implementation arrangements agreed to Council's satisfaction.

4.8.5 Temporary works

It may be feasible to provide temporary measures to service initial stages of development in lieu of constructing major works up front. Such proposals will need to be assessed at the time of application and provision of such works will be the sole responsibility of the applicant, except where any part of them forms part of a work identified in this plan (in which case that part will be treated as WIK). Where that part of the work is to be treated as a WIK, then a WIK agreement must be entered into prior to any works being undertaken. The cost of temporary works, not recognised as WIK, cannot be offset against any other contributions required under this plan.

5. Other administration matters

5.1 Relationship to other plans and policies

Contributions collected or land dedicated under the former plan or other predecessor plan will be applied toward the same category of infrastructure in this plan.

This plan repeals the *Warnervale District Contributions Plan 2015* (former plan).

5.2 Savings and transitional arrangements

A development application, which has been submitted prior to the adoption of this plan, will be determined in accordance with the provisions of the contributions plan that applies at the date of determination.

Where contributions have been imposed in a development consent under a previous contributions plan, that plan shall continue to apply in respect to that consent.

5.3 Pooling of funds

To provide a strategy for the orderly delivery of the public amenities and public services, this plan authorises monetary contributions paid:

- for different purposes in accordance with the conditions of various development consents authorised by this plan; and
- for different purposes under any other contributions plan approved by the Council

to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the relevant works schedules (**Section 4** of the **Technical Document**) or as outlined in the relevant sections of this plan.

In deciding whether to pool and progressively apply contributions funds, Council must be satisfied that this action will not unreasonably prejudice the carrying into effect, within a reasonable time, the purposes for which the money was originally paid i.e. the infrastructure to be delivered in the plan for which money has been borrowed.

5.4 Goods and services tax

All works costs used in this plan are exclusive of Goods and Services Tax (GST). Should the Federal Government policy remove the GST exemption that currently applies to infrastructure provision and contribution payments, this provision authorises the addition of the GST to the cost of works and contribution rates.

5.5 Accountability and access to information

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

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

These records are available for inspection free of charge at the Council's administration office.

5.6 Review of contributions plan

The assumptions in this plan will be reviewed at regular intervals and may be revised for variations e.g. if costs or the extent or nature of the proposed development vary considerably.

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.

5.7 Definitions

Unless the context or subject matter otherwise indicates or requires, the definitions in this plan are the same as those contained within Council's environmental planning instruments, the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, whichever is applicable, and the following:

Attributable cost means the estimated cost for each item in the works schedules set out in **Section 4** of the **Technical Document**, which may differ from the final actual cost of the item. Council will only offset the actual cost of the work or attributable cost, whichever is the lessor.

Council means the Central Coast Council.

Development contribution or contributions means a contribution referred to in Section 7.11 of the EP&A Act.

Former plan means the contributions plan titled "*Warnervale District Contributions Plan 2015*" or any predecessor plans

Greenfield subdivision means those areas that are being developed and or being serviced for urban purposes for the first time.

Material Public Benefit (MPB) means either works in kind or the provision of public amenities or services that are not scheduled within the contributions plan in lieu of the part or full payment of a monetary contribution but it does not include the payment of a monetary contribution or the dedication of land free of cost.

Net development area (NDA) means the area of land zoned for urban purposes expressed in hectares and excludes land allocated for public uses such as for trunk drainage, roads, open space, community facilities, noise buffers and the like, as well as undevelopable land.

Studio means a separate, lockable and habitable building that is capable of being used as a dwelling for residential purposes.

WEZ means the area known as *Wyang Employment Zone*.

Works in kind means the provision of the whole or part of a public facility that is identified in a works schedule of a contribution plan.

Works schedule means the schedule of the public amenities and public services for which contributions are required to fund, together with the cost estimate for providing the public amenities and public services as contained within the contributions plan.