



LAKE MACQUARIE SECTION 7.11 CONTRIBUTIONS PLAN NO. 5 NORTH WALLARAH 2004



AS AMENDED 2021

CERTIFICATION

This Contributions Plan, the Lake Macquarie Section 94 Contributions Plan No.5 – North Wallarah (2004), was adopted by Council on 13 December 2004, and came into effect on 20 December 2004.

The Contributions Plan, the Lake Macquarie Section 7.11 Contributions Plan No.5 – North Wallarah (2004) – Amended 2021, was adopted by Council on 23 May 2022, and came into effect on 7 June 2022.

Contents

1	Executive Summary	6
2	Introduction	8
2.1	Name of the Plan.....	8
2.2	Purpose of the Plan	8
2.3	Land to Which the Plan Applies	9
2.4	Structure of the Plan	9
2.5	Relationship to other plans	9
3	Operation of the Plan.....	11
3.1	When does the Plan take Effect?.....	11
3.2	How does the Plan Operate?.....	11
3.3	Expected Types of Development.....	11
3.4	Complying Development and the Obligation of Accredited Certifiers	11
3.5	Construction Certificates and the Obligation of Accredited Certifiers	12
3.6	Payment of Contributions	12
3.6.1	Method of Payment.....	12
3.6.2	Timing of Payment.....	14
3.6.3	Adjustment of Contributions	15
3.6.4	Deferred Payment.....	15
3.8	Funding	18
4	Administration of the Plan	19
4.1	Formulas to be used for Determining Section 7.11 Contributions	19
4.1.1	Open Space and Recreation.....	19
4.1.2	Community Facilities.....	20
4.1.3	Roadworks and Traffic Management	20
4.1.4	Conservation.....	20
4.1.5	Management.....	21
4.2	Contribution Rates.....	21
4.3	Goods and Services Tax	21
4.4	Land Value	22
4.5	Monitoring and Review Process	22
4.6	Indexation.....	23
4.7	Financial Information	23
4.8	Enquiries Regarding the Plan	23
5	Demographics	24
	Introduction.....	24

Existing Population Characteristics	24
5.1 Projections of Development and Expected Population.....	24
5.2 Anticipated Characteristics of the Incoming Population	25
5.3 Occupancy Rates	26
6 Open Space and Recreation	27
6.1 Background	27
6.2 Nexus	27
6.3 Facility Provision.....	28
6.3.1 Open Space and Recreation Facilities	28
6.3.3 Open Space Land Dedication	30
6.3.4 Criteria for Land to be Developed as a Local Park	31
6.4 Apportionment of Contributions	32
6.5 Calculation of Contributions	33
6.5.1 Recreation Facilities.....	33
6.5.3 Open Space Acquisition.....	33
6.6 Contribution Rates.....	33
7 Community Facilities.....	34
7.1 Background	34
7.2 Nexus	34
7.3 Facility Provision.....	35
7.4 Apportionment of Contributions	35
7.5 Calculation of Contributions	36
7.5.1 Community Facilities – Monetary Contributions	36
7.5.3 Community Facilities Land - Monetary Contribution	36
7.6 Contribution Rates.....	36
8 Roadworks and Traffic Management.....	37
8.1 Background	37
8.2 Nexus	37
8.3 Facility Provision.....	38
8.4 Apportionment of Contributions	38
8.5 Calculation of Contributions.....	38
8.5.1 Roadwork's and Traffic Management Facilities – Monetary Contributions.....	38
8.6 Contribution Rates.....	38
9 Conservation	39
9.1 Background	39
9.2 Nexus	39
9.3 Facility Provision.....	40
9.4 Apportionment of Contributions	41
9.5 Calculation of Contributions	41
9.6 Contribution Rates.....	41
10 Management	42

10.1	Nexus	42
10.2	What will be Provided and When	42
10.3	Apportionment	43
10.4	Calculation of Contributions	43

Figures

<i>Figure 1 Land to which the Plan applies</i>	44
<i>Figure 2 Recreation Facilities – North</i>	45
<i>Figure 3 Recreation Facilities – South</i>	47
<i>Figure 5 Community Facilities</i>	49
.....	49
<i>Figure 6 Traffic Facilities</i>	50
.....	50
<i>Figure 7 Conservation Land</i>	51
.....	51

Tables

<i>Table 1 – Contributions Rates Summary</i>	7
--	---

Appendix

<i>Appendix A - Recreation Facilities Standards of Provision</i>	52
<i>Appendix B - Projected Recreational Need</i>	53
<i>Appendix C - Schedule of Works For Recreation Facilities</i>	54
<i>Appendix D – Recreation and Open Space Land Requirements</i>	57
<i>Appendix E - Community Facility Standards of Provision</i>	58
<i>Appendix F - Schedule of Works for Community Facilities</i>	59
<i>Appendix G - Community Facilities Land Requirements</i>	60
<i>Appendix H - Schedule of Works for Roadworks & Traffic Management</i>	61
<i>Appendix I - Conservation Corridor Land Requirements</i>	62
<i>Appendix J - Schedule of Contribution Rates</i>	63

1 Executive Summary

- This Section 7.11 Contributions Plan is called the Lake Macquarie Section 7.11 Contributions Plan No.5 – North Wallarah (2004) – as Amended 2021. The plan originally came into force on 19 August 2000 and was replaced by the North Wallarah Plan No.5 2004 on the 20 December 2004.
- The plan applies to the land shown outlined in Figure 1, titled 'Land to Which the Plan Applies'.
- The Plan has been prepared with the purpose of satisfying the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, and to enable Council to require Section 7.11 contributions towards public amenities and services to meet the demand of new development within North Wallarah Peninsula.
- The Plan repeals the existing Lake Macquarie Section 94 Contributions Plan No. 5 – North Wallarah Peninsula (2004).
- This contributions plan has been prepared taking into consideration the principles of nexus, apportionment and reasonableness.
- Section 7.11 Contributions are required for the following purposes:
 - Open Space Acquisition
 - Recreation Facilities
 - Community Facilities
 - Roadworks and Traffic Management
 - Conservation
 - Management.
- Details of the public amenities and services required to satisfy the demand generated by the anticipated development, and the cost and proposed timing of these amenities and services, can be found in the work schedules attached as appendices to the Plan.
- There are a number of possible methods of payment of Section 7.11 contributions; dedication of land, monetary contribution, works in kind or material public benefit. Where land identified for acquisition in the Plan falls within land the subject of a development application, the primary method of requiring a contribution will be the dedication of land free of cost in accordance with Section 7.11(1)(a) of the Act.
- Different rates of contribution are levied based on the size and type of development. These contribution rates can be found in Table 1.
- Enquiries concerning the Plan should be directed to the Development Contributions Team. The following information is available for inspection at the Council's Administrative Building during Council's ordinary office hours:
 - The Contributions Plan
 - Current Contribution Rates
 - Contributions Register
 - Each Annual Statement
 - Supporting information to the Plan.

Table 1 – Contributions Rates Summary

Facility	Monetary Contributions				Land dedication m ² 3+ Bedroom Dwelling / Lot
	Person	1 /2 Bedroom Dwelling	3+ Bedroom Dwelling / Lot	Tourism Unit	
Recreation Facilities	\$2,306.20	\$3,459.31	\$6,687.99	\$3,574.62	Not applicable
Recreation Facilities Land	\$0.00	\$0.00	\$0.00	\$0.00	Not applicable
Open Space Acquisition (m ²)	Not applicable	Not applicable	Not applicable	Not applicable	45.50
Community Facilities	\$575.99	\$863.98	\$1,670.37	\$892.78	Not applicable
Community Facilities Land	\$51.42	\$77.14	\$149.13	\$79.71	Not applicable
Traffic Management Facilities	\$228.85	\$343.27	\$663.65	\$354.71	Not applicable
Conservation Corridor (m ²)	Not Applicable	Not applicable	Not applicable	Not applicable	146.40
Management	\$78.36	\$117.54	\$227.25	\$121.46	Not applicable
TOTAL	\$3,240.82	\$4,861.24	\$9,398.39	\$5,023.28	191.90

Note: Contribution rates vary depending for different size dwellings, based on occupancy rates (as explained in Section 5.3).

2 Introduction

2.1 Name of the Plan

The Plan is referred to as the Lake Macquarie Section 7.11 Contributions Plan No.5 – North Wallarah (2004) – as Amended 2021. It will hereafter be referred to as “the Plan”.

2.2 Purpose of the Plan

This Plan has been prepared with the primary purpose of satisfying the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, in that:

- Where Council is satisfied that a development, the subject of a development application or of an application for a complying development certificate, will or is likely to require the provision of or increase the demand for public amenities and public services within the area, Council may grant consent to that application subject to a condition requiring:
 - (a) the dedication of land free of cost, or
 - (b) the payment of a monetary contribution, or both.provided the contribution and/or dedication required is reasonable.
- Where Council has, at any time, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, the subject of a development application or of an application for a complying development certificate, will, if carried out, benefit from the provision of those public amenities or public services, the consent authority may grant consent to the application subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services.
- A contribution cannot be imposed under Section 7.11(1) or (3) unless it is of kind allowed by, and is determined in accordance with, a contributions plan approved under Section 7.13.
- Section 7.11 contributions are levied under this plan for the following amenities and services:
 - Open Space Acquisition;
 - Recreation Facilities;
 - Community Facilities;
 - Roadworks and Traffic Management;
 - Conservation; and
 - Management.

Other objectives of this plan are to:

- offer the public and those involved in development certainty as to current contribution levels and Council's intentions regarding the nature, location and timing of the provision of public services and amenities;
- provide a comprehensive strategy for providing public services and amenities, including the extension or embellishment of existing public facilities, which are required to meet the demand of the incoming population;

- provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions, and to ensure that these contributions are fair and reasonable;
- provide public services and amenities for new development in a timely fashion, to a level and location determined to be appropriate for residents' needs;
- demonstrate that the existing community is not burdened by providing public services and amenities required as a result of development;
- ensure an equitable sharing of costs of the services and amenities between those developments that benefit from these services and amenities; and
- ensure that Council is both publicly and financially accountable in its assessment and administration of the plan.

2.3 Land to Which the Plan Applies

This contributions plan applies to an area bounded by the Pacific Ocean to the east, Lake Macquarie to the west and by the urban development areas of Swansea and Caves Beach to the north, as shown outlined in Figure 1, titled 'Land to Which the Plan Applies'.

2.4 Structure of the Plan

The Plan is arranged into a number of major parts:

- Executive Summary
- Introduction to the Plan, including the land to which the Plan applies, and relationship to other plans and policies.
- Operation of the Plan, including expected type of development and payment of contributions details.
- Administration of the Plan, which describes the Plan's management and administration.
- Demographics – provides details of the expected development and population characteristics of the population arising from this development.
- Strategy Plans for the following amenities and services:
 - Open Space and Recreation;
 - Community Facilities;
 - Roadworks and Traffic Management;
 - Conservation; and
 - Management.
- Information which supports the Strategy Plans.

2.5 Relationship to other plans

The Plan repeals the existing Lake Macquarie Section 94 Contributions Plan No. 5 – North Wallarah Peninsula (2004). In accordance with Section 7.20(4), the amendment or repeal of the original plans (as amended) does not affect the previous operation of these plans or anything duly done under the Plan. Therefore, development consents including a condition requiring Section 7.11 contributions levied under the original plan will continue to be acted upon and the payment of those contributions still required, including any indexation provisions outlined in the condition requiring payment of contributions.

The Plan levies contributions to meet the demand of the expected population following public notice of its approval by Council. Contributions received under the provisions of the repealed contributions plan(s) for the Land to Which the Plan Applies, will be used to recoup of the costs of and/or deliver community infrastructure of the same facility type under this Plan.

The Plan supplements the provisions of and should be read in conjunction with the Act and Regulation, Lake Macquarie City Council's Local Environmental Plan, Development Control Plan and other relevant plans and policies adopted by Council.

3 Operation of the Plan

3.1 When does the Plan take Effect?

The Plan takes effect following approval by Council and the date of the public notice of this decision (refer to 'Certification' for details). Development applications assessed on or after this date will be subject to the provisions of the Plan.

3.2 How does the Plan Operate?

The North Wallarah Peninsula is expected to develop in line with the market conditions relevant to the development of housing in the area of Lake Macquarie and the broader Hunter region. The scope and duration of the Plan is anticipated to be approximately fifteen years.

In determining a development application or complying development certificate, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land or, in lieu thereof, accept the provision of a material public benefit or works in kind in accordance with the provisions of the Plan. Contributions will be required for all forms of residential development that create the potential for an increase in demand for the public amenities and services identified in the Plan, and will be calculated on the basis of the additional demand.

3.3 Expected Types of Development

It is expected that the development of the land to which this plan applies will be primarily residential in the form of new land subdivision, residential accommodation, and tourism. There may be other types of development that occur that generate a need for the types of facilities identified in the Plan.

3.4 Complying Development and the Obligation of Accredited Certifiers

In accordance with the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan for all types of development. The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan (including current indexed rates), to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council current consent condition requirements. Accredited certifiers must contact Council for a copy of the current consent condition requirements.

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

3.5 Construction Certificates and the Obligation of Accredited Certifiers

In accordance with the Act and the 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 Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

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

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

3.6 Payment of Contributions

3.6.1 Method of Payment

There are a number of possible methods of payment of Section 7.11 contributions:

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

Dedication of Land

Dedication of land will be required on an area basis in accordance with the per square meter rates in the Plan at the date of dedication. All costs of dedication are to be borne by the applicant, including (but not limited to) survey, legal and administration costs. The land is to be in a condition suitable for its intended purpose, and should:

- be free of all rubbish, contamination, debris, environmental, biosecurity and transformer weeds;
- where the land is used as wildlife corridors or similar, include signs on the perimeter to promote appropriate use of the wildlife habitat conservation corridor, and locked gates as necessary to manage access of any fire trails. The location and type of signage and gates are to be approved by Council prior to installation;
- have separate title;
- be free of mine subsidence as agreed with Council. Land affected by mine subsidence is to have been remediated prior to dedication. The final report provided to Council demonstrating the land has been satisfactorily remediated. The final report must be reviewed and accepted by Council prior to the dedication or transfer of the land as per the condition of consent.

Land to be dedicated under each development consent is to come into Council ownership with registration of the first Subdivision Plan registered in respect of the land the subject of the development consent, or stage of the development, or alternative timing as nominated by Council.

Monetary Contribution

A monetary contribution is the usual method of payment of Section 7.11 contributions, other than land dedications. Development consents involving the payment of a monetary contribution include particulars of the amount payable in monetary terms, and the conditions whereby the contributions will be indexed until payment is received. The amount of the contribution shall be the rate applicable at the time of payment. The adjustment of contributions is detailed in Chapter 3.6.3.

Works in Kind

A works in kind is the undertaking of work or provision of a facility that is scheduled within a contributions plan, in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land imposed in accordance with Section 7.11(1) of the Act.

Council may accept the construction of works listed in the schedules of the Plan in full or partial settlement of a monetary contribution. Any proposals should also be discussed with Council officers to determine details of Council's requirements. The applicant will need to initiate action by applying to Council in writing, including full details and plans of the work proposed to be undertaken. The acceptance of a works in kind will be at Council's absolute discretion.

Consideration will be given to the following:

- (a) the extent to which the works satisfies the purpose for which the contribution is sought;
- (b) the impending need to construct the works for which the contributions are to be offset;
- (c) the provision of the works will not prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's Plan;
- (d) an assessment of the shortfall or credit in monetary contributions as a result of the proposal;
- (e) the availability of supplementary funding to make up the shortfall in contributions;
- (f) the location of the proposed works and other factors that may affect usability;
- (g) the anticipated impact on recurrent operational and maintenance costs; and
- (h) whether the provision of the works would result in piecemeal delivery of infrastructure or be likely to result in the need to reconstruct works due to future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct).

Material Public Benefit

A material public benefit (MPB) is something other than the dedication of land or a monetary contribution, and may be offered by a developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land imposed in accordance with Section 7.11(1) of the Act. A material public benefit may include the provision of work that is not scheduled within a contributions plan.

Council may accept a material public benefit in full or partial settlement of a monetary contribution. Any proposals should also be discussed with Council officers to determine details of Council's requirements. The applicant will need to initiate action by applying to Council in writing, including full details and plans of the work proposed to be undertaken. The acceptance a material public benefit will be at Council's absolute discretion.

Consideration will be given to the following:

- (a) the extent to which the MPB satisfies the purpose for which the contribution was sought;
- (b) whether the MPB are facilities or related to facilities which are already included in the Plan;
- (c) the extent to which the MPB satisfies a community need or may reduce the demand for levied items;
- (d) the impending need to construct the works for which the contributions are to be offset;
- (e) whether the provision of the MPB will prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's Plan;
- (f) an assessment of the shortfall or credit in monetary contributions as a result of the proposal;
- (g) the availability of supplementary funding to make up the shortfall in contributions;
- (h) locational and other factors that may affect usability;
- (i) the anticipated impact on recurrent operational and maintenance costs; and
- (j) whether the provision of the MPB will result in piecemeal delivery of infrastructure or be likely to result in the need to reconstruct works due to future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct).

3.6.2 Timing of Payment

A contribution must be paid to Council at the time specified in the condition of development consent that imposes the contribution. If no such time is specified, the contribution must be paid:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving only building work and no subdivision – prior to the issue of the first Construction Certificate; or
- In the case of development that involves both subdivision and building work – prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing; or
 - where no works are proposed - prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first.
 - In the case of development that generates a haulage contribution – as detailed in the development consent.

It is the responsibility of the accredited certifier to ensure that a condition is imposed on a complying development certificate in accordance with this Plan and that any monetary contributions have been paid to Council prior to authorising works to commence.

3.6.3 Adjustment of Contributions

Indexation of contributions and estimated costs

Contributions required as a condition of development consent will be adjusted at the time of payment in accordance with the latest Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics, using the following formula:

$$\text{Contribution at time of payment} = C \times \frac{\text{CPI 2}}{\text{CPI 1}}$$

- Where:
- C = the amount of the contribution for works schedule items (other than land yet to be acquired) at the date the Plan takes effect.
 - CPI 2 = is the Consumer Price Index (Sydney – All Groups) (CPI) as published by the Australian Bureau of Statistics (ABS) for the financial quarter at the date of payment.
 - CPI 1 = the CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the date the Plan takes effect.

A development consent or complying development certificate will show the contribution payable at the date the consent/certificate is issued. Contributions are subject to indexation from the date the consent/certificate is issued until the date of payment in accordance with the above formula.

Contribution rates under this Plan and the estimated costs upon which they are based will also be indexed by Council on a regular basis consistent with the above methodology. The adjustment of contribution rates and estimated costs will occur by way of an amendment without the need to prepare a new contributions plan, in accordance with the Environmental Planning and Assessment Regulation. The contributions rates will be regularly updated by Council and made available at the Council Administration Offices or on Council's website.

A development consent or complying development certificate will show the contribution payable at the date the consent/certificate is issued. Contributions are subject to indexation from the date the consent/certificate is issued until the date of payment in accordance with the above formula.

3.6.4 Deferred Payment

Council may consider the deferred payment of contributions or payment of contributions by instalments. The applicant will need to initiate action by applying to Council in writing, and satisfy the Council of the following:

- (a) that the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (b) the works project to which the request applies will not adversely impact public safety or health;
- (c) the amount of the contribution or outstanding balance is not less than \$50,000;
- (d) where the applicant intends to make a contribution by way of a planning agreement, material public benefit or works-in-kind in lieu of a cash contribution or by land dedication, Council and the applicant will have a legally binding agreement for the provision of the works or land dedication;

- (e) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (f) the maximum period for payment by instalments is not more than two years from the standard payment date;
- (g) deferred payments and payments by instalments will be subject to indexation.

If Council does decide to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee in support of the applicant's obligations with the bank guarantee satisfying the following conditions:

- The bank guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of the Council of the City of Lake Macquarie;
- The bank guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of the Council of the City of Lake Macquarie;
- The sum of the bank guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to make provision for any anticipated indexation during the life of the bank guarantee until the estimated date of release;
- the bank must unconditionally agree to pay the guaranteed sum to Council if Council so demands in writing;
- the bank must agree to 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 full payment to Council is made in 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, indexation and other charges are paid;
- An administration fee may apply to utilise the bank guarantee option as stated in Council's Fees and Charges.

The acceptance of a request to defer payment of contributions is at Council's absolute discretion. Council may charge an administrative fee for submission of a Bank Guarantee. The fee appears in Council's Fees and Charges, a copy of which is available from Council upon request.

3.7 Exemptions and Discounts

Other than as anticipated below in this clause 3.7 and other than lawful conversion of existing bedrooms in an existing dwelling to bed and breakfast rooms, Council will not provide exemption to development contributions made under this Plan.

In addition, exemptions and/or discounts will be afforded under prevailing direction of the [Minister for Planning and Public Spaces](#). At the date of commencement of this Plan, these Ministerial exemptions and discounts included:

- development undertaken by a '[social housing provider](#)' for the purposes of '[seniors housing](#)' as defined in [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) is exempt;
- development for the purposes of a school (as defined by the [Education Act 1990](#)) that is a project under the *Building the Education Revolution* (BER) program is exempt; and

3.7.1 Council will allow an 85% discount on the amount of development contributions which would otherwise be payable for dwelling(s), Boarding House(s) or Group Home(s), for only Affordable Rental Housing development approvals for the following types of development that fully meet the following criteria:

- a) In-fill housing where the development site, whole or in part, is within 800 metres walking distance of land within Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use[#], or within a land use zone that is equivalent to any of those zones.;
- b) Boarding Houses where the development site, whole or in part, is within 800 metres walking distance of land within Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use[#], or within a land use zone that is equivalent to any of those zones.;
- c) Supportive accommodation (as that term is defined in the State Environmental Planning Policy (Affordable Rental Housing) 2009);
- d) Residential flat buildings where the development site, whole or in part, is within 800 metres walking distance of land within Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use[#], or within a land use zone that is equivalent to either of those zones; and
- e) Group Homes.

The discount will be available on the Council being satisfied that all of the following conditions are met:

- 1) The proposed dwelling(s) or Boarding House or Group Home shall be used for the purpose of Affordable Rental Housing for a minimum of 10 years from the later of either:
 - a. the date of the issue of an occupation certificate (interim or final) in respect of the dwelling or any of the dwellings and/or the room or any of the rooms; or
 - b. the date of first occupation of the dwelling or any of the dwellings and/or the room or any of the rooms, and
- 2) A restrictive covenant in accordance with section 88E of the Conveyancing Act 1919 requiring that all the dwellings and/or all or relevant parts of the Boarding House or Group Home will only be developed and used as anticipated by this clause 3.7.1, will be registered over the titles to all dwellings and/or all or relevant parts of the Boarding House or Group Home in favour of Council, before the first of the dates referred to in paragraph (1) above,
- 3) Dwellings and/or all or relevant parts of the Boarding House or Group Home to be developed and used as anticipated by clause 3.7.1 will be managed by a registered CHP, Aboriginal Housing Office, or Department of Communities and Justice for a minimum of 10 years from the later of the dates referred to in clause (1) above, and
- 4) For those dwellings and/or all or relevant parts of the Boarding House or Group Home to be developed and used as anticipated by clause 3.7.1, the registered CHP, Aboriginal Housing Office, or Department of Communities and Justice, shall submit an annual statement to Council that verifies dwellings are being used for purpose of Affordable Rental Housing.

If the requirements under paragraphs 1 to 3 above are not fully achieved prior to the earlier of the two dates referenced in paragraph 1 above, development contributions will be required to be paid in full to Council.

Should approval be issued for multiple uses on a site, then discount of contributions only applies to those dwellings and/or rooms in respect of which Council is satisfied comply with the other terms of this clause 3.7.1.

It is the responsibility of the applicant to request any discount from development contributions and to provide evidence to support the request to the satisfaction of Council.

For the purpose of this clause 3.7.1 the following meanings apply:

Affordable Rental Housing means housing or accommodation offered for or occupied for Rent Each Week for very low-income households, low-income households or moderate-income households.

A household is taken to be a very low-income household, low-income household or moderate-income household if the household:

- a) has a gross income that is less than 120 per cent of the median household income for the time being for the Lake Macquarie Local Government Area (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
- b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

Rent Each Week means that the dwelling and/or room in a Boarding House or Group Home is offered for or occupied as leased or licensed premises or similar with rent, licence fee or similar paid by or on behalf of the occupant(s) and the occupant(s) have no ownership rights to the dwelling and /or room.

Rooms applies to rooms in Boarding Houses and Group Homes.

- 3.7.2** Applicants should note that nothing in clause 3.7.1 will entitle any person to a refund for any contributions already paid.

3.8 Funding

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

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions.

To provide a strategy for the implementation of the services and amenities levied for in the Plan, and to use contributions in the most effective manner, the individual work schedules have been prioritised. This priority of provision takes into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue.

4 Administration of the Plan

4.1 Formulas to be used for Determining Section 7.11 Contributions

The following sections detail the formulas to be used for the different categories of public amenities and services in the Plan.

4.1.1 Open Space and Recreation

Open Space – Dedication of Land

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

Where:

L	=	Total Open Space and Recreation land requirements.
P	=	The total projected resident population.

Recreation Facilities – Monetary Contributions

$$\text{Contribution Rate (\$/person)} = \frac{(C1 + C2)}{P}$$

Where:

C1	=	The estimated future cost for Recreation Facilities.
C2	=	The actual cost of Recreation Facilities to date.
P	=	The total projected resident population.

4.1.2 Community Facilities

Community Facilities – Monetary Contributions

$$\text{Contribution Rate} \quad = \quad \frac{(C1 + C2)}{P}$$

(\$/person)

Where:

C1 = The estimated cost of future Community Facilities.

C2 = The actual cost of Community Facilities provided to date.

P = The total projected resident population.

Community Facilities Land – Monetary Contributions

$$\text{Contribution Rate} \quad = \quad \frac{(L1 + L2)}{P}$$

(\$/person)

Where:

L1 = The estimated cost of land yet to be acquired for Community Facilities Land.

L2 = The actual cost of land acquired for Community Facilities Land to date.

P = The total projected resident population.

4.1.3 Roadworks and Traffic Management

Roadworks and Traffic Management Facilities – Monetary Contributions

$$\text{Contribution Rate} \quad = \quad \frac{(C1 + C2)}{P}$$

(\$/person)

Where:

C1 = The estimated cost of future Roadworks and Traffic Management facilities within the catchment.

C2 = The actual cost of Roadworks and Traffic Management facilities provided to date within the catchment.

P = The total projected resident population.

4.1.4 Conservation

Conservation - Dedication of Land

$$\text{Dedication} \quad = \quad \frac{L}{P}$$

(m²/person)

Where:

L = Total conservation corridor land requirements.

P = The total projected resident population.

4.1.5 Management

In accordance with the Act, Council is authorised to recoup the reasonable costs of preparing this Plan and the cost, or apportioned cost, of any studies specifically prepared to inform the Plan. In addition, any costs associated with the ongoing management and administration of the Plan can be levied.

This Plan and the studies that inform it have been specifically prepared to enable Council to ensure that adequate community infrastructure is provided to meet the demands generated by any new development and that the existing community is not burdened by the provision of community infrastructure required as a result of future development.

The proposed costs associated with this category of contributions comprises of costs associated with preparing the Plan and relevant studies to support the Plan; and an allowance for the ongoing management of the Plan over a fifteen year period.

As this Plan has been prepared solely to cater for the demands of future development, the costs associated with the Plan's preparation and ongoing administration will be borne fully by future development.

$$\begin{aligned}\text{Contribution rate per new resident} &= \frac{\text{Total Cost}}{\text{Total Additional Residents}} \\ &= \frac{\$357,018}{4,556} \\ &= \$78.36 \text{ per resident}\end{aligned}$$

4.2 Contribution Rates

The calculation of contribution rates using the formulas contained in Chapter 4.1 are detailed in the separate chapters for the different categories of public amenities and services in the Plan. A schedule of contribution rates for the different categories of public amenities and services can be found in Appendix J.

4.3 Goods and Services Tax

The current position of the Australian Taxation Office concerning GST for contributions received under Section 7.11 is:

- Monetary contributions – under Division 81 of the GST Act, contributions made by developers to finance the provision of public infrastructure and services are GST-free; and
- Dedication of land, works in kind or material public benefit - Council's advice is that non-cash contributions by way of dedication of land, works in kind or material public benefit in lieu of contributions that would be exempt under Section 81-5 of the GST Act, does not constitute a taxable supply. Therefore, there are no GST implications for non-cash contributions, and the previous method of receiving a tax invoice from the developer, remittance of GST etc is no longer applicable.

4.4 Land Value

Costs associated with land acquisition are also included in the determination of contribution rates. The costs include administration, valuation, negotiations, survey, legal, and conveyancing costs. The percentages of on-costs for the acquisition of land in this Plan is detailed in the following table, and include details of the individual costs associated land acquisition.

Table A – Percentage and Costs Associated with Land Acquisition

Item	Land Value					
	Up to \$1m	\$1m to \$2m	\$2m to \$5m	\$5m to \$10m	\$10m to \$15m	\$15m Plus
Council Valuation	\$6,000	\$8,000	\$12,000	\$14,000	\$15,000	\$18,000
Private Valuation	\$6,000	\$8,000	\$12,000	\$14,000	\$15,000	\$18,000
Sub Total	\$12,000	\$16,000	\$24,000	\$28,000	\$30,000	\$36,000
Administration	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Negotiations	\$5,000	\$7,000	\$9,000	\$10,000	\$12,000	\$14,000
Survey	\$7,000	\$8,000	\$10,000	\$15,000	\$20,000	\$30,000
Legal	\$5,000	\$5,000	\$10,000	\$10,000	\$12,000	\$14,000
Conveyancing	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Sub Total	\$25,000	\$28,000	\$37,000	\$43,000	\$52,000	\$66,000
Overheads	\$4,929	\$5,724	\$7,791	\$9,063	\$10,653	\$13,356
Sub Total	\$29,929	\$33,724	\$44,791	\$52,063	\$62,653	\$79,356
Total	\$41,929	\$49,724	\$68,791	\$80,063	\$92,653	\$115,356
Assumed Value	\$1,000,000	\$1,500,000	\$3,500,000	\$7,500,000	\$12,500,000	\$15,000,000
% of Value	4.19%	3.31%	1.97%	1.07%	0.74%	0.77%
Adopt Rate:	4.20%	3.30%	2.00%	1.10%	0.75%	0.80%
Notes: <ol style="list-style-type: none"> 1. All costs are estimates only as it is not possible to accurately define acquisition land or values. 2. GST exclusive as GST is neutral. 3. Council is entitled to the same valuation fee as that charged by a private sector valuer for the service provided. 4. Survey costs have been estimated in consultation with Survey Section. 5. Council's On Costs (Activity Based Costings - ABC) are structured at 15.9% of total costs. 						

4.5 Monitoring and Review Process

The provision of facilities in the Plan reflects current planning and engineering practice, population trends and expected types of development. The work schedules in the Plan include estimates of staging of provision of facilities at thresholds of development. It is therefore essential that the Plan is reviewed periodically to ensure that the provisions are effective, the basis upon which nexus and other tests remain appropriate, the needs of new development are being met, and the amounts of the contributions and the manner in which they are spent are actually providing facilities in an efficient and effective way.

As a consequence, Council's aim is to comprehensively review the Plan at five year intervals. As part of this review process, Council may seek to examine the following aspects of the Plan:

- Location, rate, type, density and yield of development.

- The relationship between contribution levels and current land acquisition rates and construction costs.
- Community responses to service and facility provision, changing community needs for service and facility provision and the proponent's requirements.
- The actual cost incurred by Council in providing services and amenities.
- Current planning and engineering practice, population trends, policy and funding issues.
- The works schedules in relation to the actual income derived from development, in conjunction with Council's Capital Works Program and budget estimates for the following year.
- The manner and time in which the contributions have been spent.
- Current management and strategic plans.
- Changes in legislation and legal precedent, which effect the management, content and/or implementation of the Plan.

In the event that this process identifies development or population trends that significantly depart from the assumptions upon which the Plan is based, Council may review the Plan in accordance with the requirements of the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2000.

4.6 Indexation

The contribution rates in the Plan, and the estimated costs upon which these rates are based, will be adjusted to reflect variations to the adopted index (the Consumer Price Index and Land Value Index) in accordance with the basic formula set out in Chapter 3.6.3. The adjustment of contribution rates and estimated costs will occur by way of an amendment without the need to prepare a new contributions plan, in accordance with Section 32(3)(b) of the Environmental Planning and Assessment Regulation 2000.

4.7 Financial Information

Council maintains a contributions register and accounting records, and produces an Annual Statement for the Plan in accordance with the requirements of Part 4, Division 5 of the Environmental Planning and Assessment Regulation 2000 and the Department of Local Government Code of Accounting Practice and Financial Reporting.

4.8 Enquiries Regarding the Plan

Enquiries concerning the Plan should be directed to the Environmental Planning Department. The following information is available for inspection at the Council's Administrative Building during Council's ordinary office hours or on Council's website:

- This Contributions Plan.
- Current Contribution Rates.
- Contributions Register.
- Each Annual Statement.
- Supporting information to the Plan.

5 Demographics

Introduction

This section outlines key aspects of the existing residential development and populations within the North Wallarah Contributions Catchment. It also details the development forecasts which have been prepared in order to ascertain the demand for new and embellished community infrastructure to cater for future development over the life of this Plan.

Existing Population Characteristics

The North Wallarah Contributions Catchment is located on the eastern side of the Lake Macquarie. The Catchment is bound by the Belmont Contributions Catchment to the north, and south.

In November 2020, it is estimated that there are 413 lots currently constructed within the Lake Sector of the development. This equates to an existing population of approximately 1,239 persons.

5.1 Projections of Development and Expected Population

The North Wallarah Peninsula is expected to generate a residential population of 4,556 people by 2036. This has been determined based on the Lake Macquarie Urban Development Program, and the ABS' 2016 Census, and is based on the following assumptions:

- A total of 1571 allotments
- An occupancy rate of 2.9 persons per dwelling on a single allotment and 1.55 persons per room within a tourist development

The forecast yield for the project has not been based on a detailed development management plan and should only be taken as an indicative guide. The final yield for the project will be defined from the application of the principles contained in the Local Environmental Study, LEP, Area Plan, and CLUMP.

The development of the area will most likely occur in three precincts; the Lake Sector that is located west of the Pacific Highway, the Northern Sector, and the Coastal Sector located east of the Pacific Highway. The anticipated residential population based on the land potential of the sectors is detailed below:

• Lakeside Sector:	656 allotments	1,902 persons
• Northern Sector:	540 allotments	1,566 persons
• Coastal Sector:	375 allotments	1,088 persons

5.2 Anticipated Characteristics of the Incoming Population

An analysis of the anticipated demographic profile is essential to understand the needs of the incoming population. All parts of the population place a demand on the public services and amenities that Council provides.

Table 2: Population Distribution				
Age	2020		2036	
0 – 4	60	4.9%	219	4.8%
5 – 9	66	5.4%	228	5.0%
10 – 14	66	5.4%	241	5.3%
15 – 19	67	5.4%	232	5.1%
20 – 24	58	4.7%	182	4.0%
25 – 29	55	4.5%	187	4.1%
30 – 34	60	4.8%	251	5.5%
35 – 39	62	5.0%	292	6.4%
40 – 44	66	5.3%	278	6.1%
45 – 49	74	6.0%	264	5.8%
50 – 54	84	6.8%	269	5.9%
55 – 59	91	7.3%	269	5.9%
60 – 64	95	7.7%	305	6.7%
65 – 69	93	7.5%	328	7.2%
70 – 74	82	6.6%	310	6.8%
75 – 79	65	5.2%	269	5.9%
80 – 84	45	3.6%	200	4.4%
85 – 89	31	2.5%	141	3.1%
90 – 94	14	1.2%	68	1.5%
95+	4	0.3%	23	0.5%
Total	1,239	-	4,556	-

The projected population of the North Wallarah Peninsula is expected to be slightly older than the City as the family formation is likely to be advanced.

5.3 Occupancy Rates

To calculate the proportional contribution rates for different size dwellings, the following occupancy rates for medium density development (attached and detached dual occupancy developments, town houses, villa houses and integrated housing) and single dwelling developments on single lots are assumed. These rates have been derived from the Australian Bureau of Statistics 2016 census data.

- 1 or 2 bedroom dwelling: 1.5 persons/dwelling
- 3+ bedroom dwelling or single lot: 2.9 persons/dwelling
- Seniors Living 1.37 persons per dwelling
- Tourism Unit 1.55 persons per dwelling

6 Open Space and Recreation

6.1 Background

Lake Macquarie City Council provides a large range of open space and recreation facilities for its residents. These range from natural bushland areas for recreation and contemplative pursuits, small parks for unstructured recreational activities, sportsground areas for both unstructured activities and organised sport, swimming and leisure centres, facilities at patrolled beaches, and facilities to enhance the recreational use of the lake and its foreshore.

These facilities are provided to cater for the existing population of the city. However, increases in population resulting from new residential development generate increased demands for use of these facilities, which in many cases exceed the capacity of the facility to provide a quality recreational experience for the user. In recent times, Council has begun to design new facilities with inbuilt capacity to accommodate the projected growth in demand from residents from new development.

6.2 Nexus

Causal

The open space and recreation facilities within the area surrounding the North Wallarah Peninsula are adequate only to service the existing population. As the anticipated population increase from North Wallarah Peninsula will generate demand for open space and recreation facilities, it is reasonable for Council to require the provision of additional open space and recreation facilities to meet this demand.

The tourist population is expected to make use of many of the recreation facilities within the North Wallarah Peninsula, and in the adjoining local community. Thus, planning for recreation facilities has been based on the total of the permanent residential population plus the average tourist population.

This Plan identifies additional facilities and the amplification of existing facilities, which as a result of development are considered necessary to maintain the quality of recreational experience currently enjoyed by residents of the city. The Plan also provides for recoupment for outlays already incurred by Council in providing facilities designed to accommodate future growth. A description of the proposed facilities is detailed in Section 6.3 and maps in Figures 2 – 4 show the indicative location of the facilities proposed by this plan and provided at the time this Plan was prepared.

The demand for these facilities has been established having regard to:

- the type and extent of anticipated development;
- the expected increase in population as a consequence of that development;
- the characteristics of the population and the requirements for new, additional or augmented facilities;
- the availability and capacity of existing facilities in the area; and
- the extent to which the proposed new or augmented public facilities will meet the needs of the incoming population.

Spatial

The location of open space and recreation facilities has been determined in a manner to best satisfy population growth, with due regard to the location of increased demand, topography and accessibility issues within the North Wallarah Peninsula.

Temporal

The timing of provision of open space and recreation facilities in this plan will occur at thresholds designed to satisfy the demands generated by population growth over the life of the plan. Timing of recreation facilities beyond the North Wallarah catchment may also be dependent on availability of funding from other sources for these works. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2000.

6.3 Facility Provision

6.3.1 Open Space and Recreation Facilities

From the viewpoint of the embellishment of open space, and the provision of recreation facilities, the projected population distribution for the North Wallarah Peninsula does not indicate substantial divergence from the current city distribution. The exception to this is in the provision of local parks and playgrounds. A local park is required for each of the three sectors in North Wallarah due to the relative isolation of each of these communities (spatial nexus). These communities are identified as Murrays Beach (Lakeside Sector), Pinny Beach (Coastal Sector) and Mawson's Lookout (Northern Sector). These local parks are in addition to the neighbourhood park located in Murrays Beach on the lake foreshore reserve that services not only the North Wallarah communities, but visitors beyond the catchment.

Provision of recreation facilities and open spaces need to be flexible to accommodate changes in demographic populations and needs and increasing community expectations. Having adequate open space land in each sector is a key component to enabling this flexibility.

An initial assessment of recreation facilities for the North Wallarah Peninsula has been developed from the standards of provision applying across the rest of the city, which are detailed in Appendix A. These standards have been applied to determine the projected recreational need for the total residential and average tourist population of the North Wallarah Peninsula as shown in Appendix B.

The recreation facilities proposed to meet the projected recreational need generated by the residential and tourist development within the North Wallarah Peninsula plan can be found in the schedule of works attached as Appendix C and the proposed location of these facilities in shown in Figures 2 – 4. They are also summarised below.

- Chapman Oval, Swansea – Construct a cricket wicket off-site, replace the floodlights to accommodate cricket & upgrade existing facilities.

- Park and Playground Settings – Four park and play areas are required to be provided on-site. At least one local park and play area is to be provided within each sector. One larger playground, also catering for children with disabilities, is to be provided within the Foreshore Park.
 - 4a - Lake Sector - Play Area Type 1 - (Young Children) Play equipment for 0-10 years, softfall, seating, shade structure, pathway, landscaping. To be located at Lake Forest Drive, Murrays Beach
 - 4b - Lake Sector - Play Area Type 3 (Children, incl. Children with disabilities & Youth) – A range of play equipment for 0-14 yrs, softfall, seating, shelter, pathway, bubbler, landscaping, and childproof fencing (if required) is to be located within the Foreshore Park.
 - 4c - Coastal Sector - Play Area Type 2 - (Children) – Play equipment 0-12 yrs, softfall, seating, shelter, pathway, public toilet and landscaping.
 - 4d - Northern Sector - Play Area Type 2 - (Children) – Play equipment for 0-12 yrs, softfall, seating, shade structure, pathway and landscaping.
- Skate Park Setting – Burragallana Reserve, Swansea. Includes public toilet, seating, shelter, bins, bubbler & water supply, pathway, vehicle barrier fencing and landscaping.
- Sports Fields – Due to no appropriate land available on-site for new sporting fields, it is recommended for the expansion/upgrade of existing field(s) in the adjoining Belmont Catchment area to increase capacity.
- Sports court – (2 courts on-site) – Double bat ball court (tennis hit wall) and half basketball court including earthworks, retaining walls, fencing, drainage, picnic table with shelter, seating, pathway, and landscaping. To be located within the Lakeside Sector Park at 90 Lake Forest Dr, Murrays Beach.
- Multi-Court – (1 court on-site) – Full size multi-court that caters for multiple court sports, subsoil drainage, seating, pathway, and landscaping. To be provided in the Northern Sector Park.
- Patrolled Beaches – Proportion of the cost to develop facilities at a new site. Contribution to be used to increase facilities at Catherine Hill Bay patrolled beach. Combined with funding from the Belmont Catchment Contribution Plan for the upgraded facility and necessary land acquisition.
- Pinny Beach is rated as a very dangerous surf beach and its use is not to be encouraged. Visitor facilities are not to be provided at this beach. The developer is required to provide a means of emergency vehicle access, warning signage and a vandal secure emergency phone at Pinny Beach as a condition of development consent. This is not considered a section 7.11 requirement.
- Swimming Centres – Proportion of cost to redevelop & expand facilities at existing Swansea Pool. (Indoor program pool, amenities, kiosk, office, carpark).
- Lake Foreshore Park - Picnic tables & shelter, sheltered BBQ's, seating, bins, public toilet cycleway/walkway, bridge, park lighting, car park, vehicle barrier fencing, interpretive signage, landscaping. These items with the exception of the BBQ's, picnic tables suitable for all abilities access and the public toilet, have been completed at no cost to Council. The Council will use monetary contributions authorised by this Plan to provide the BBQ's, picnic tables suitable for all abilities and public toilet. The jetty (refer to item 13) adjoins the Lake Foreshore Park and children's play area (refer to item 4b) will be constructed at the Lake Foreshore Park.
- Public Jetty – A public jetty has been provided at the foreshore park. This facility has been completed and dedicated to Council at no cost.
- Mawson's Lookout – Land dedication only.
- Dog exercise area – Grass, tap, stainless steel bubbler, water connection, dog bowl, signage. A large fenced area (minimum 0.5ha) is required to exercise dogs' off-leash. The area maybe co-located with other recreation facilities, within the development area.

- Hunter Region Athletics & Gymnastics Centre – recoupment for the works based on apportionment determined at the time the facility was provided.
- Fernleigh Track (interpretive & visitor signage) – recoupment for the works based on the apportionment determined at the time the facility was provided.

The topography of the North Wallarah Peninsula has made the provision of sports fields' onsite impracticable. For this reason, it is necessary to provide these facilities off-site, by expanding and/or reconfiguring existing sports facilities in adjoining residential areas.

The direct application of facility standards is not necessarily considered appropriate for the tourist population component. It is expected that tourists will place an increased demand upon: passive parkland areas, lookouts, tennis courts, walking and cyclepaths, beach and swimming facilities, jetties and boat ramps.

Contributions for patrolled beaches and swimming centres would be directed towards the provision of upgrading existing facilities to accommodate increased use as a result of population growth through development.

These facilities do not include open space linkages for environmental reasons, pathways or cycleways throughout the North Wallarah Peninsula. These facilities are to be provided in association with subdivision of the development sites at full cost to the developer.

Any proposal for Works in Kind for the above facilities is to be discussed with Council officers prior to the preparation of any plans to determine details of Council's requirements and specifications.

6.3.3 Open Space Land Dedication

The dedication of open space land is based on the need to accommodate the identified local recreation facilities. The open space land requirements directly generated by residential development within the North Wallarah Peninsula are detailed in the schedule or works in Appendix D. Residential and tourist development will be subject to a contribution for these facilities.

Foreshore Park

Council currently owns foreshore land adjoining Lake Macquarie. Additional land zoned RE1 (previously 6c) is required to be dedicated to Council. This land was identified in the North Wallarah Peninsula Lakeside Reserve and Habitat Corridor Draft Plan of Management. The land was previously part of Lot 121 DP 807535 as identified in Figure 3 of the Plan of Management as the land zoned 6(c). The foreshore land area in the Lake Sector to be dedicated to Council is 4.33 hectares. This is the site for the development of the lake foreshore park (Item 12), the public jetty (Item 13) and the play area (Item 4b). Good road access is required to be provided to this park.

Local Park and Sports Courts in Lake Sector

0.9 hectare. This is the site where the park play area (Item 4a) and Sports Courts (Item 8) is to be provided which is centrally located within the Lake Sector.

Local Park in the Coastal Sector

0.5 hectare. This is the site where play area (Item 4c) is to be provided which is to be located adjoining the coastal walkway or nearby.

Local Park and Multi-Court in the Northern Sector

0.781 hectare. This is the site where park and play area (Item 4d) and multi-court (Item 9) is to be provided.

Dog Exercise Area

0.5 hectare minimum. Maybe co-located with other facilities such as a local park.

Mawson's Lookout

Two areas of land are identified for dedication in the Mawson's Lookout Plan of Management. These areas are referred as Part Lot 2 DP 811759 in Figure 1.2 of the Plan of Management. The land areas of these two lots are 908 sq metres and 297 sq metres respectively.

The above-mentioned land, within North Wallarah Peninsula, is to be dedicated by the developer at no cost to Council as the primary method of contribution. All the above-mentioned land must be suitable for its intended purpose and is to be dedicated free of weeds, rubbish or any other hazards. Considerations of land to be dedicated include:

- Size of the land; and
- Location, configuration and topography of the land; and
- Shape of the land; and
- Accessibility, current use, improvements; and
- Availability of utility services; and
- Environmental factors, such as significance of existing vegetation, habitat trees, soil condition, flood liability, bush fire risk;
- Any encumbrances, drainage conflicts that may restrict usage, contaminants, ongoing costs to Council including maintenance and remediation and other site costs.

Lands to be dedicated that is currently categorised or proposed to be categorised as 'park', 'sportsground' or 'general community use' land according to the Local Government Act 1993 (as amended) is required to have:

- A tree assessment to ensure the stability of the trees to be retained within the proposed area, and
- All dead limbs on trees to be retained, are to be lopped prior to the dedication of the land.

6.3.4 Criteria for Land to be Developed as a Local Park

A number of local parks with play equipment are to be provided within the urban release area on land to be dedicated to Council. Prior to submitting a development application, the applicant should notify Council of the proposed site and seek written advice as to whether the proposed site is likely to be acceptable. Proposed sites must conform to the following criteria.

Location

The local parks should be positioned in a central location to the population within the sector served. Ideally, a park should be located within approximately 500 metres of each household.

Size of Land

No smaller than 5,000 sq metres (0.5 hectares).

Slope of the Land

The land should be flat at the road frontage, with a slight to moderate gradient towards the rear of the parcel.

Shape of the Parcel

Ideally, the land will be a square or rectangular configuration. The parcel of land should not be irregular in shape with elongated areas, or areas with acute angles as these parks are not multi-functional. The minimum width of the parcel should be no less than 60 metres. This will allow the playground to be sited with a reasonable distance from adjoining residential property boundaries.

Accessibility

The local parks should be located on clearly defined pedestrian and cycleway routes, or adjoining the shops, sports ground or open space corridor. Play areas are to be designed to be accessible by all, including the elderly and parents with prams. The pathway within the park from the road to the street should be only a slight gradient. Pathways are also required along the roads leading to the park.

Visibility

The proposed site must be visible from adjacent residential housing, streets, or public areas to facilitate passive surveillance. The minimum street frontage of the land should be no less than 60 metres. The site should be cleared towards the road frontage and around the playground for good visibility.

Clearing of the Land

At least 50% of the site towards the street frontage should be cleared. The land surrounding the playground should also be cleared. However, several mature trees may be retained, if suitable as shade trees. A tree assessment is required to ensure the stability of the trees to be retained within the proposed park. All dead limbs on trees to be retained are to be lopped prior to the dedication of the land.

Siting of the Play Area within the Park

The edge of the soft-fall for the play equipment should be located no less than 10 metres from the boundary of the adjoining residential development. The play equipment should be located at least 20 metres from the nearest road. However, if the playground equipment is located within 40 metres of a road, it is recommended that the playground have fencing installed. A risk assessment is to be provided with any proposed concept plan submitted to Council for approval.

6.4 Apportionment of Contributions

Apportionment is a very important aspect of Section 7.11 as it ensures that the developer (and consequently the end user) is charged a fair contribution towards the provision of services and amenities, based on the portion of demand actually created by the development.

The open space and recreation facilities to be provided have been established based on the existing standards of provision within the Lake Macquarie City as a whole, and are directly related to the anticipated population increase of North Wallarah Peninsula. For this reason, it is reasonable that the cost of these facilities be fully recovered or proportionately recovered depending on the item and the nexus to the development.

6.5 Calculation of Contributions

The contributions formulae takes into account the cost of works to be undertaken, the cost to Council of acquiring land and the potential population of the catchment area. Separate formulae are used for calculating the contribution rates for the capital works and open space land components.

6.5.1 Recreation Facilities

Contributions for Recreation Facilities will be determined using the following formula:

$$\begin{aligned}\text{Contribution Rate} &= \frac{\$10,507,068}{4,556} \\ (\$/\text{person}) &= \$2,306.20\end{aligned}$$

6.5.3 Open Space Acquisition

The primary method of open space acquisition is to be by dedication. However, there may be situations whereby a monetary contribution may be required. Therefore, in accordance with the provisions of this plan, a condition may be imposed requiring either a monetary contribution and/or dedication of land.

Land dedication

Council will ordinarily require the dedication of land for open space purposes. The land that is to be provided must be suitable for the intended purpose. It should be noted that the final survey plan of subdivision and/or building approval will not be released until satisfactory arrangements are made to transfer any such land into Council ownership. Where land is to be dedicated, the amount of land required will be determined by the following formula:

$$\begin{aligned}\text{Contribution Rate} &= \frac{71,481\text{m}^2}{4,556} \\ (\text{m}^2/\text{person}) &= 15.69\text{m}^2\end{aligned}$$

6.6 Contribution Rates

The contribution rates in this Plan are based on estimates of the cost of works involved and/or land acquisition, and the projected total population increase in the North Wallarah Peninsula. The contribution rates for Recreation Facilities and Open Space Acquisition are set out in Appendix J. If all land within Appendix D is dedicated to Council, no further Open Space Acquisition will be required for a cumulative development yield of up to 1650 lots.

Land dedications for Open Space Acquisition is not required for the development of a single dual occupancy on a single lot and a single secondary dwelling on a single lot.

7 Community Facilities

7.1 Background

Council provides a wide range of community facilities including children's services, youth centres, community halls, senior citizens centres, neighbourhood centres, libraries and multipurpose centres. Council's policy is to provide multipurpose centres that offer a wide range of services and peer support for workers, rather than accommodating services in individual premises. These facilities may include functional areas for a neighbourhood centre, youth specific area, offices for services such as family support, meeting rooms, and activity space for social and recreational groups. The size of the available site generally determines the number of services or functions that may be co located.

7.2 Nexus

Causal:

Existing and proposed community facilities within the surrounding area of the proposed development have adequate capacity only to service the existing population, but not the future population of the North Wallarah Peninsula. It is therefore reasonable for Council to require future developments, which increase the population within the release area to contribute towards the provision of the same level of facilities that the current population may access.

The demand for these facilities has been established having regard to:

- the type and extent of anticipated development;
- the expected increase in population as a consequence of that development;
- the characteristics of the population and the requirements for new, additional or augmented facilities;
- the availability and capacity of existing facilities in the area; and
- the extent to which the proposed public facilities will meet the needs of the incoming population.

This Plan details the community facilities that are required as a consequence of anticipated development within the North Wallarah Peninsula. A description of these facilities is detailed in Section 7.3 and Figure 5 shows the indicative location of these facilities.

Spatial:

It is expected that residents of the North Wallarah Peninsula will conduct business and shopping activities in the township of Swansea. A new library and multipurpose centre was therefore constructed in Swansea in 2006 to cater for the demands of the incoming population of the North Wallarah Peninsula.

Temporal

The timing of provision of community facilities in this plan have been prepared in conjunction with the masterplan process (as required by the LEP and CLUMP), at thresholds designed to satisfy the demands generated by population growth over the life of the plan. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2000.

7.3 Facility Provision

The level of provision for community facilities required to satisfy the additional demand created by the incoming population of the North Wallarah Peninsula is established on the existing standards of provision within the Lake Macquarie City as a whole. These standards of provision are detailed in Appendix E. The library and multipurpose centre constructed in the Swansea Township, provide the required additional space to meet the demands of the incoming population of the North Wallarah Peninsula.

The Community Facilities proposed to meet the projected demand generated by residential development within the North Wallarah Peninsula can be found in the schedule of works attached in Appendix F and Figure 5 shows the indicative location of these facilities. They are also summarised below. Residential development within the North Wallarah Peninsula will be subject to a contribution for these facilities.

Multipurpose Centre

Additional space has been provided to meet the demands of the incoming population of the North Wallarah Peninsula. This building incorporates a neighbourhood centre (including office space), space to enable the provision of an out of school hours child care service, function / activity rooms, a youth specific area, and space for community meetings.

These services are described in more detail below:

- The Out of School Hours child care is a service provided for children of working/student parents, and includes before school care, after school care, and vacation care. The service is required to meet government regulations regarding the necessary space to be provided for both indoor and outdoor activities.
- The Neighbourhood Centre includes staff offices space, interview / counselling rooms, and space for displays and resources. The service develops and co-ordinates a range of programs to meet the needs of the local community. Programs may include special interest groups, community meetings, and the distribution of emergency relief funds.
- Community Activity rooms include function rooms that may be hired by individual community members for social and recreational events, as well as by organised groups such as play groups, and for programs developed by the Neighbourhood Centre staff.
- Youth Section provides offices, counselling rooms and activity areas for youth programs and services. An external courtyard and exercise area is also an essential component of this space.
- Meeting rooms are able to be hired by community members for small gatherings or meetings, or for the activities of the Neighbourhood Centre and other organised groups.

Library

Additional library space is required to meet the demands of the incoming population of the North Wallarah Peninsula. Council has incorporated this within the multipurpose centre. There are advantages of scale with including a library within a multipurpose centre. The shared use of activity space means that these areas do not have to be duplicated within a library that requires space for activities such as children's story time, puppet shows, and special events such as launching of books, or oral history projects. To cater for the increased demands of the incoming population, the library will also require additional stock items including hard copy, audio and electronic books, CDs, computers and special reading aides.

7.4 Apportionment of Contributions

The community facilities to be provided have been established based on the existing standards of provision within the Lake Macquarie City as a whole, and are directly related to the anticipated population increase of North Wallarah Peninsula. For this reason, it is reasonable that the cost of these facilities be fully recovered.

7.5 Calculation of Contributions

The contribution formulae takes into account the cost of works, the cost to Council of acquiring land and the potential population of the catchment area. Separate formulae are used for calculating the contribution rates for the capital works and land components, as described below.

7.5.1 Community Facilities – Monetary Contributions

Contributions for community facilities will be determined using the following formula:

$$\begin{aligned}\text{Contribution Rate} &= \frac{(\$2,624,204)}{4,556} \\ (\$/\text{person}) &= \$575.99\end{aligned}$$

7.5.3 Community Facilities Land - Monetary Contribution

Where appropriate land cannot be dedicated, the value of the dedication is calculated using the land requirements for each additional lot to be created, and an identified land value rate (\$/m²). Contributions will be determined using the following formula:

$$\begin{aligned}\text{Contribution Rate} &= \frac{(\$234,292)}{4,556} \\ (\$/\text{person}) &= \$51.42\end{aligned}$$

7.6 Contribution Rates

The contribution rates in this plan are based on the cost of works involved and the projected total population increase in the North Wallarah Peninsula. The contribution rates for community facilities are based on costs set out in Appendix J.

8 Roadworks and Traffic Management

8.1 Background

The proposed development within the North Wallarah Peninsula will create three development areas. These areas are the Lakeside Sector, the Northern Sector, and the Coastal Sector.

The Pacific Highway traverses the site in a north – south direction. Traffic generated by each sector will need to connect to the highway in a manner that does not adversely affect the amenity of existing residential areas of Caves Beach and Swansea. The connection to the highway must also provide a safe point of ingress and egress and respect the environmental and visual attributes of the site. To satisfy these criteria, it is proposed to construct a grade separated intersection (underpass) to provide a complete range of turning movements both on and off the highway for traffic from the new development. All three sectors will obtain their primary point of access to the highway from the underpass.

It is also proposed to construct strategic cycleways to the north and south of North Wallarah Peninsula, linking the development to the local street network, existing cycleways and recreation facilities within Swansea, Caves Beach and Nords Wharf.

8.2 Nexus

Causal

It is reasonable for Council to levy contributions to ensure that the intersection with the Pacific Highway is adequate, and can safely and efficiently cope with the additional traffic generated by development within the North Wallarah Peninsula.

The cycleways will provide access for the residents of North Wallarah Peninsula to the Swansea Township, associated community facilities, and recreation facilities within Swansea, Caves Beach and Nords Wharf.

The upgrading of major traffic management facilities contained in this plan will cater for more than a local need, and will benefit development within the North Wallarah Peninsula.

Spatial

Several alternative options for access to the Pacific Highway were examined including the use of Cams Wharf Road, Flowers Road, Scenic Drive, Mine Camp Road and Caves Beach Drive. The preferred option is to construct the proposed underpass near the intersection of the old and new Pacific Highway.

Temporal

As all three sectors will obtain their primary point of access to the highway from the underpass, construction will be required to service initial development of the site. Construction of the cycleways will also be required to service initial development of the site.

8.3 Facility Provision

The internal road hierarchy throughout the North Wallarah Peninsula is designed to provide local access and connections between the three development sectors, and is to be provided in association with development of the site.

The underpass to the Pacific Highway, has been completed and was accepted by Council as a works in kind in lieu of paying monetary contributions. Accordingly, the condition of consent for the initial stage of development reflected this intention, and contribution rates are not shown in this plan.

The Strategic Cycleway to the north, has been completed and dedicated to Council at no cost to Council.

The proposed traffic management facilities to meet the demand generated by development of North Wallarah Peninsula can be found in Appendix H and the actual and indicative location of the facilities are shown in Figure 6. They are also summarised below.

- Underpass - constructed at the intersection of the old and new Pacific Highway, to provide a complete range of turning movements onto the highway for traffic from the new development.
- Strategic Cycleway - constructed along the old Pacific Highway from the proposed underpass to Parbury Street to the north.
- Strategic Cycleway - constructed along Rafferty's access road and Crangan Bay Road from the southwestern corner of the development to Nords Wharf Oval.

8.4 Apportionment of Contributions

The underpass to the Pacific Highway has been designed to be the primary point of access for the North Wallarah Peninsula, whilst the cycleways are designed primarily to serve residents of this area. Therefore, it is appropriate, that the future development within the North Wallarah Peninsula should be subject to the full cost of these facilities.

8.5 Calculation of Contributions

The contribution formulae take into account the cost of works to be undertaken, and the potential population of the North Wallarah Peninsula. The formulae are used for calculating the contribution rates for the capital works and land components, as described below.

8.5.1 Roadwork's and Traffic Management Facilities – Monetary Contributions

Contributions for traffic management facilities will be determined using the following formula:

$$\begin{aligned}\text{Contribution Rate} &= \frac{(\$1,042,623)}{4,556} \\ (\$/\text{person}) &= \$228.85\end{aligned}$$

8.6 Contribution Rates

The contribution rates in this plan are based on estimates of the cost of works involved and the projected total population increase in the North Wallarah Peninsula. The contribution rates for traffic management facilities are set out in Appendix J.

9 Conservation

9.1 Background

Flora and fauna surveys carried out over a number of years have confirmed that there are high ecological values associated with North Wallarah Peninsula. A Conservation Strategy was developed over two decades ago to protect the biodiversity values of the site identified at that time, while allowing appropriate development within areas considered suitable. Major outcomes of this strategy included the establishment of a Conservation Reserve covering approximately 200 ha (now known as Wallarah National Park), and a wildlife habitat corridor. The corridor links the National Park to the lakeshore Red Gum Forest and wildlife habitat on land zoned for conservation to the north (Lot 1 DP 880078 2 Jetty Point Drive Swansea) (as shown in Figure 7). The aim of the proposed Conservation Reserve was to retain a significant proportion of vegetation that contains the food and other habitat resources for fauna including a diverse array of canopy flowering trees that represent seasonal food resource requirements. The Forest Red Gum Reserve on the foreshore adjoining Lake Macquarie is also a critical resource as it forms a component of the biodiversity of the site and provides resources for threatened fauna species. The aim of the corridor is to retain important resources, provide connectivity between food and shelter resources, and provide for genetic exchange.

The wildlife habitat corridor zoned Environmental Conservation “E2” Zone has appropriate zoning controls that prohibit development that could reduce its role and function as a habitat corridor. The habitat corridor is to be progressively dedicated to Council at no cost as part of the conservation acquisition requirements of this plan. The conservation strategy will not be achieved unless the wildlife habitat corridor is dedicated in its entirety.

9.2 Nexus

Causal

Council is committed to the application of Ecologically Sustainable Development (ESD) principles to the full range of activities for which it is responsible, including biodiversity and ecological integrity as fundamental components of sustainability. In addition to applying ESD principles to the development process, it is also essential they be applied to the protection, restoration and management of the ‘Ecological Values’ throughout the site. In particular the conservation of biodiversity and maintenance of ecological integrity should be major objectives of future use and management of the site.

The site is characterised by areas of significant disturbance due to previous mining and quarry activities, and areas of high conservation value. Development of the site will involve the removal of native vegetation, which will generate the need to conserve critical biological resources. To ensure effective functioning, prevent isolation, and enhance the Wallarah National Park on the west side of the Pacific Highway, a linkage or corridor to a larger area of bushland and foreshore food resources is required. The wildlife habitat corridor is a critical resource, which needs to be conserved as a connection between two significant portions of bushland. These resources will also maintain the health, wealth, well-being, lifestyle and amenity of the occupants of the development, and will be further used for passive appreciation and recreation. It is therefore reasonable for Council to levy contributions to require the dedication of the wildlife habitat corridor and ensure that it is conserved into the future.

Spatial

The conservation strategy, which includes the establishment, location and size of the Wallarah National Park and wildlife habitat corridors, was agreed to by NSW National Parks

and Wildlife Service. The wildlife habitat corridor is 23 ha in area and is identified schematically in Figure 7 and by the current LM LEP 2014 E2 Zone.

Temporal

The wildlife habitat corridor is to be dedicated to Council progressively with development, having regard to the number of lots developed and the nexus with development. Each application for development for subdivision lodged is to clearly identify on a plan the portion of the wildlife habitat corridor to be dedicated. A vegetation management plan is to be prepared for the corridor in accordance with Council's guideline prior to dedication. Rehabilitation of the wildlife corridor to a self-sustaining or steady state native ecosystem will be required to ensure the land is in suitable condition for dedication. This will include any land where remediation of subsidence has occurred.

9.3 Facility Provision

The wildlife habitat corridor shown in Figure 7 is to be dedicated to Council progressively with development, having regard to the number of lots developed and the nexus with development. Accordingly, the conditions of consent for the first stage of development in each Precinct should reflect this intention.

Prior to dedication of the wildlife habitat corridor, a vegetation management plan is to be prepared, approved by Council and implemented to ensure that the wildlife corridor is in suitable condition. The minimum management actions documented and required to be implemented in the vegetation management plan include:

- Bush regeneration and weed management. Including 100% removal of all biosecurity and transformer weeds and 90% of environmental weeds unless otherwise agreed with Council;
- Remediation or treatment of any subsidence to reduce risk to a level acceptable to Council;
- Rehabilitation of any subsidence works with native vegetation;
- Free of rubbish;
- Installation of access controls including gates, internal and perimeter fencing and/or other accepted boundary identification;
- Construction of bushfire and walking trails if required;
- Signage on the perimeter to promote appropriate use of the wildlife habitat conservation corridor and as required to address subsidence risk;
- Bushfire management including ecological burns;
- Feral and pest control;
- Erosion control generally in accordance with the Blue Book "Managing urban stormwater: soils and construction" Volume 1, Landcom, Fourth Edition, March 2004 ISBN 0-9752303-3-7.

To ensure a self-maintaining or stable state ecosystem is achieved and soil weed seed is depleted, evidence must be provided to Council to demonstrate the implementation of the VMP. This will ensure the habitat corridor is suitable for the intended purpose.

There are three development sectors identified in this Plan. The Lakeside Sector, Northern Sector and the Coastal Sector. It is important that the conservation strategy proposed is achieved and the wildlife habitat corridor is dedicated in its entirety. Any remaining area of the wildlife habitat corridor land must be dedicated to Council in its entirety within 18 months of the registration of the first plan of subdivision affecting the Sector that is developed last. This is reasonable, as it will ensure a continuity of ownership throughout the wildlife habitat

corridor and consistency in the ongoing management across the whole of the 23Ha site area.

9.4 Apportionment of Contributions

The need to preserve the wildlife habitat corridor will be generated by development of the site. Therefore, it is appropriate that the future development within the North Wallarah Peninsula should be subject to the full cost of this land.

9.5 Calculation of Contributions

The wildlife habitat corridor is to be dedicated to Council as a condition of consent at a rate not less than specified in following formula. Dedication is to continue until the wildlife corridor is dedicated in its entirety.

$$\begin{aligned}\text{Contribution Rate} &= \frac{23\text{Ha}}{4,556} \\ (\text{m}^2/\text{person}) &= 50.48 \text{ m}^2\end{aligned}$$

Within 18 months of the registration of the first plan of subdivision affecting the Sector that is developed last, any remaining area of wildlife habitat corridor land must be dedicated to Council in accordance with the provisions of section 9, to ensure that the site in its entirety is dedicated to Council and the preservation of the wildlife habitat corridor for the development of the Land is achieved.

9.6 Contribution Rates

The contribution rates in this plan are based on the area of land to be dedicated for Conservation and the projected total resident population increase in the North Wallarah Peninsula. The contribution rates for Conservation are set out in Appendix J.

10 Management

10.1 Nexus

In accordance with the Act, Council is authorised to recoup the reasonable costs of preparing this Plan and the cost, or apportioned cost, of any studies specifically prepared to inform the Plan. In addition, any costs associated with the ongoing management and administration of the Plan can be levied.

Lake Macquarie City Council has employed a Development Contributions Coordinator and Development Contributions Officers, whose role includes:

- ensuring that legislative requirements are met;
- formulation and supervision of the initial planning studies necessary to establish the requirements of the incoming population, and the provision of necessary facilities;
- developing, maintaining and reviewing contributions plans, policies and procedures to produce the desired outcomes for the provision of facilities in terms of standard, appropriateness, timing and cost;
- overseeing the financial management of Section 7.11 contributions plans, including contribution rates and expenditure priorities for services and amenities to be provided by Section 7.11;
- monitoring and review of the contribution plans to ensure that contribution levels reflect current land and construction costs, the level of provision reflects current planning and engineering practice and likely population trends, and that work schedules are amended if development levels and income received differ from current expectations;
- regular and efficient reviews of Section 7.11 contribution rates for inflation;
- negotiation and consideration of works in kind, material public benefit and land dedication proposals;
- reacting to legal precedent;
- ensuring that detailed studies, estimates and surveys are prepared by Council in advance of the execution of works;
- incorporation of scheduled items in Council's Capital Works Program and annual budgetary process; and
- preparation of Annual Statements.

Council considers that the costs involved with managing the development contributions system are an integral and essential component of the efficient and effective provision of public amenities and services within the Lake Macquarie LGA. Council therefore considers it reasonable that the expenses directly related to development contributions positions of be funded from developer contributions. The cost of managing the development contributions system is based on the development contributions staff salary and on-costs.

10.2 What will be Provided and When

In accordance with the Act, the Plan aims to recoup funds to ensure the efficient management of development contributions processes within Council (as described above). These functions will be ongoing throughout the life of the contributions plan.

10.3 Apportionment

As this Plan has been prepared solely to cater for the demands of future development, the costs associated with the Plan's preparation and ongoing administration will be borne fully by future development.

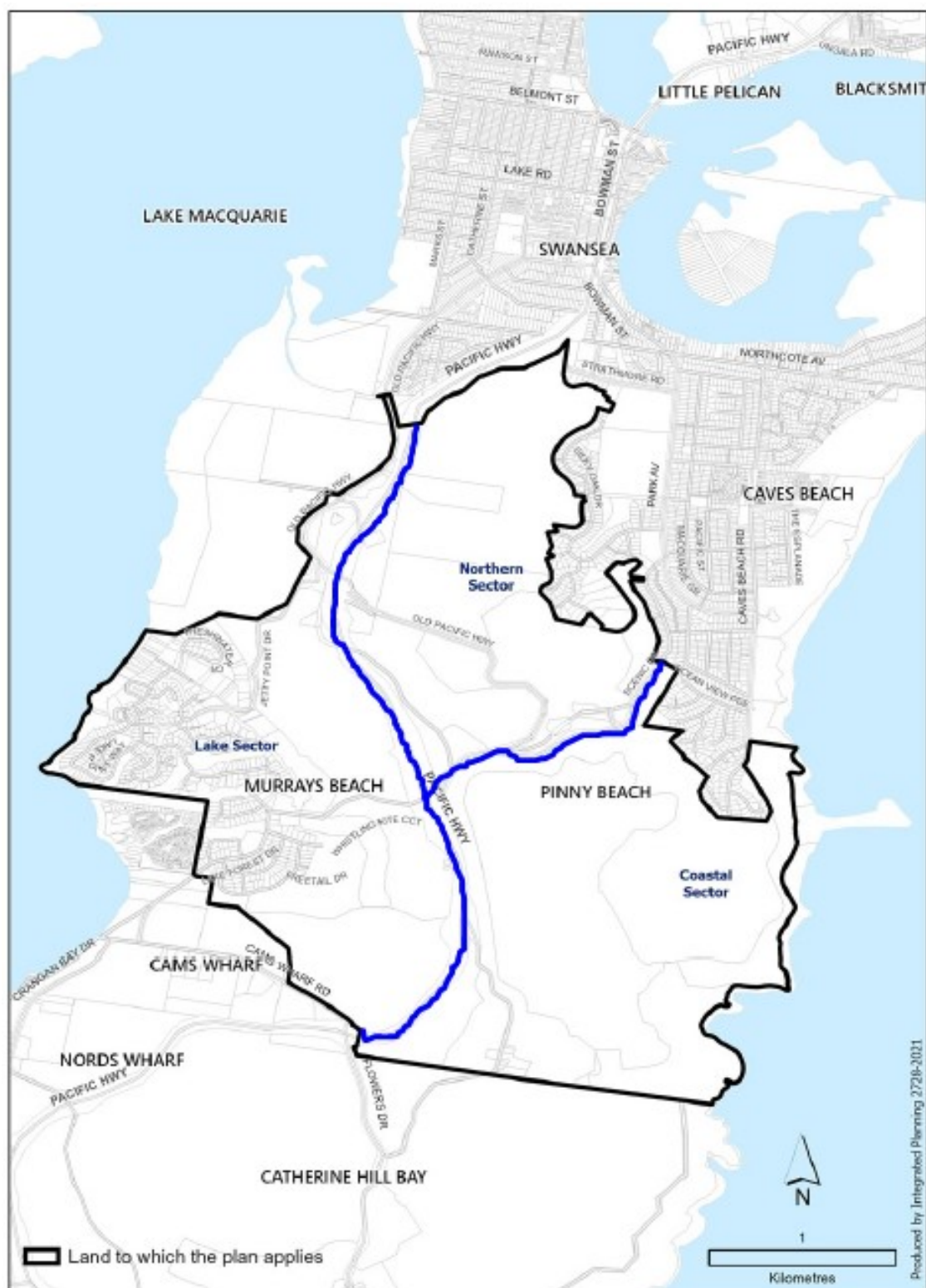
10.4 Calculation of Contributions

The contribution formula used for determining Section 94 contributions for Management are detailed in Chapter 4.1.5. The projected population for each contributions plan in operation is detailed in the following table:

The following calculations input the cost of Management, the combined population per year and average occupancy rate. A schedule of contribution rates can be found in Appendix J.

$$\begin{aligned}\text{Contribution Rate} &= \frac{\$357,018}{4,556} \\ (\$/\text{person}) &= \$78.36\end{aligned}$$

Figure 1 Land to which the Plan applies



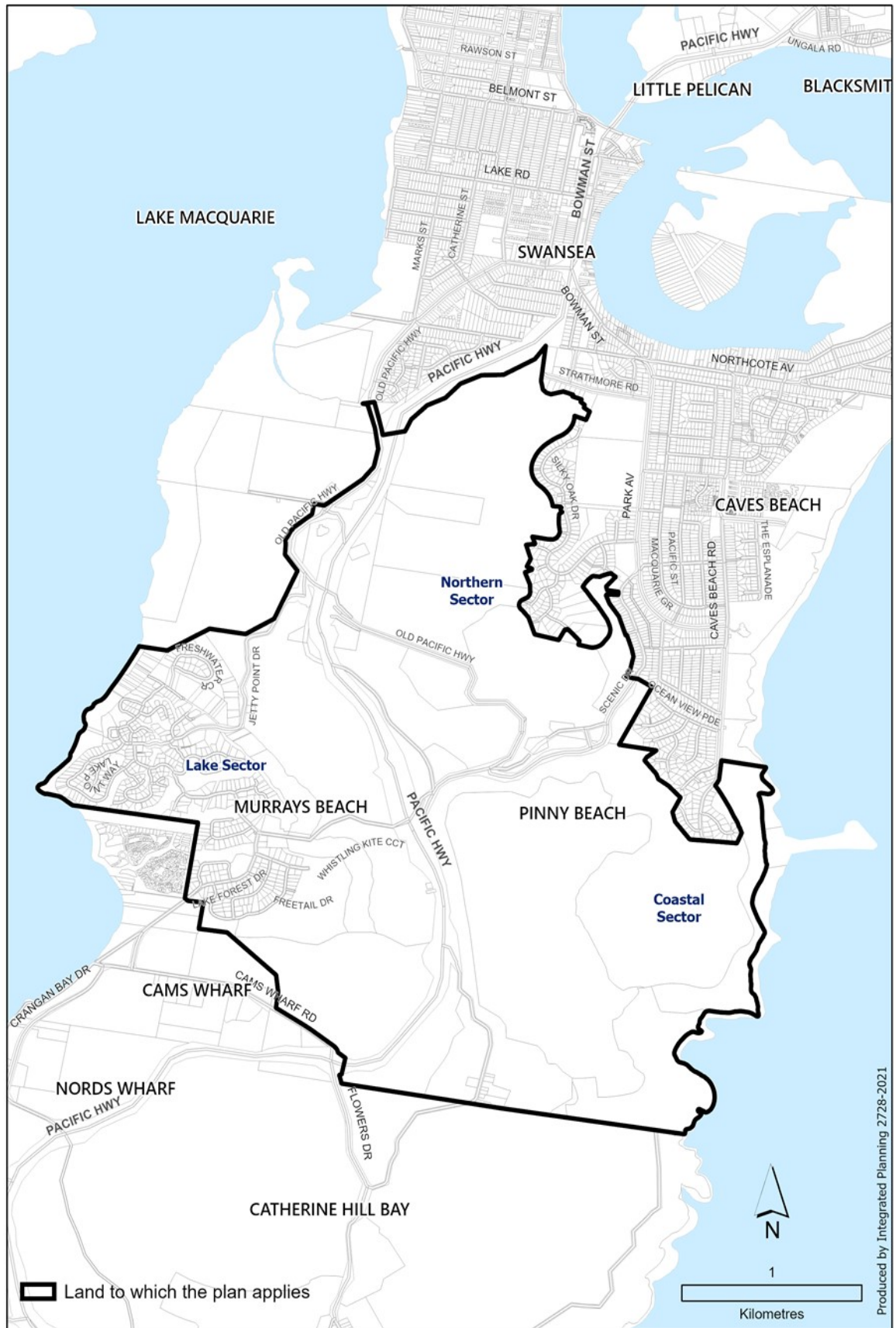


Figure 2 Recreation Facilities – North

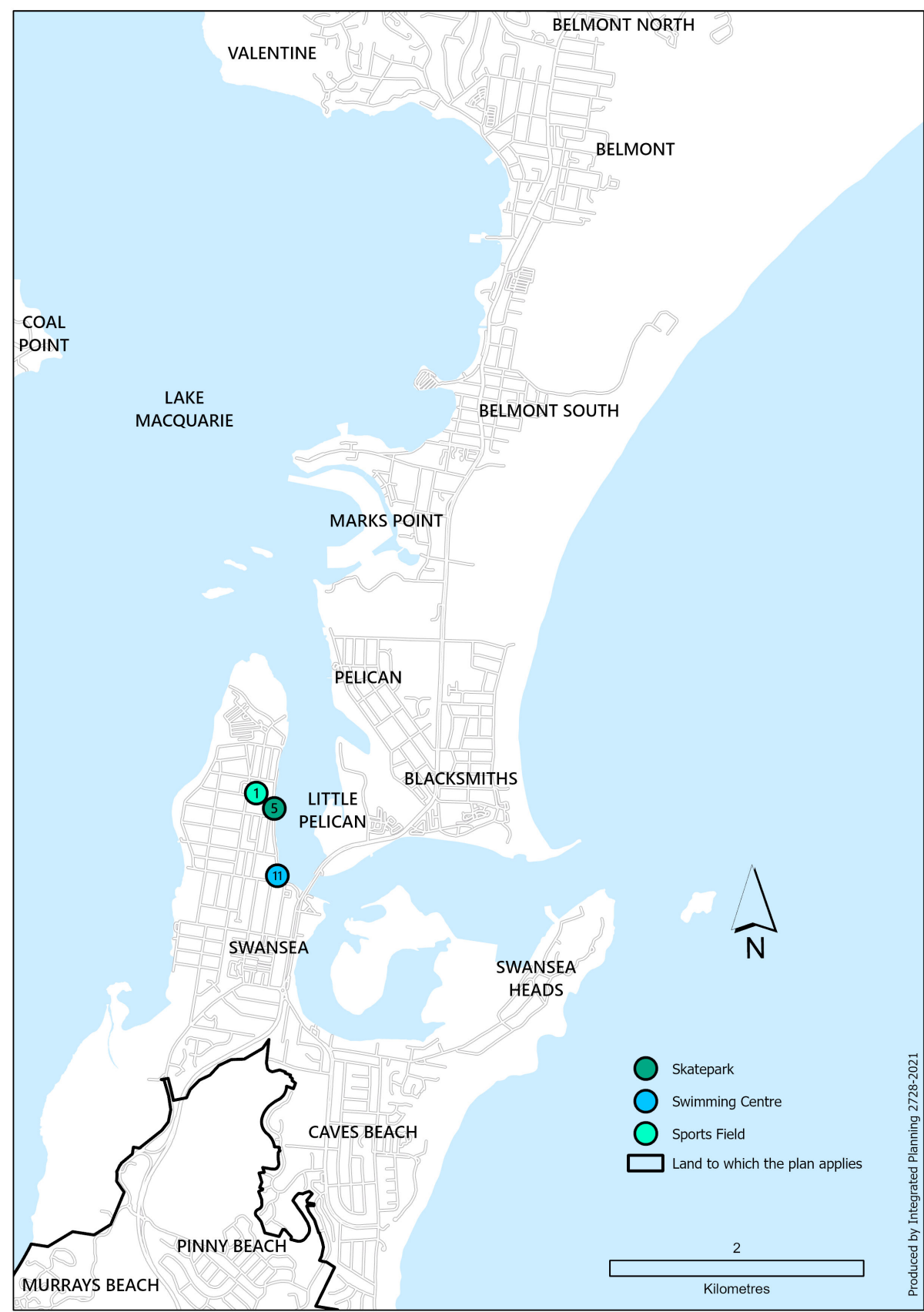


Figure 3 Recreation Facilities – South

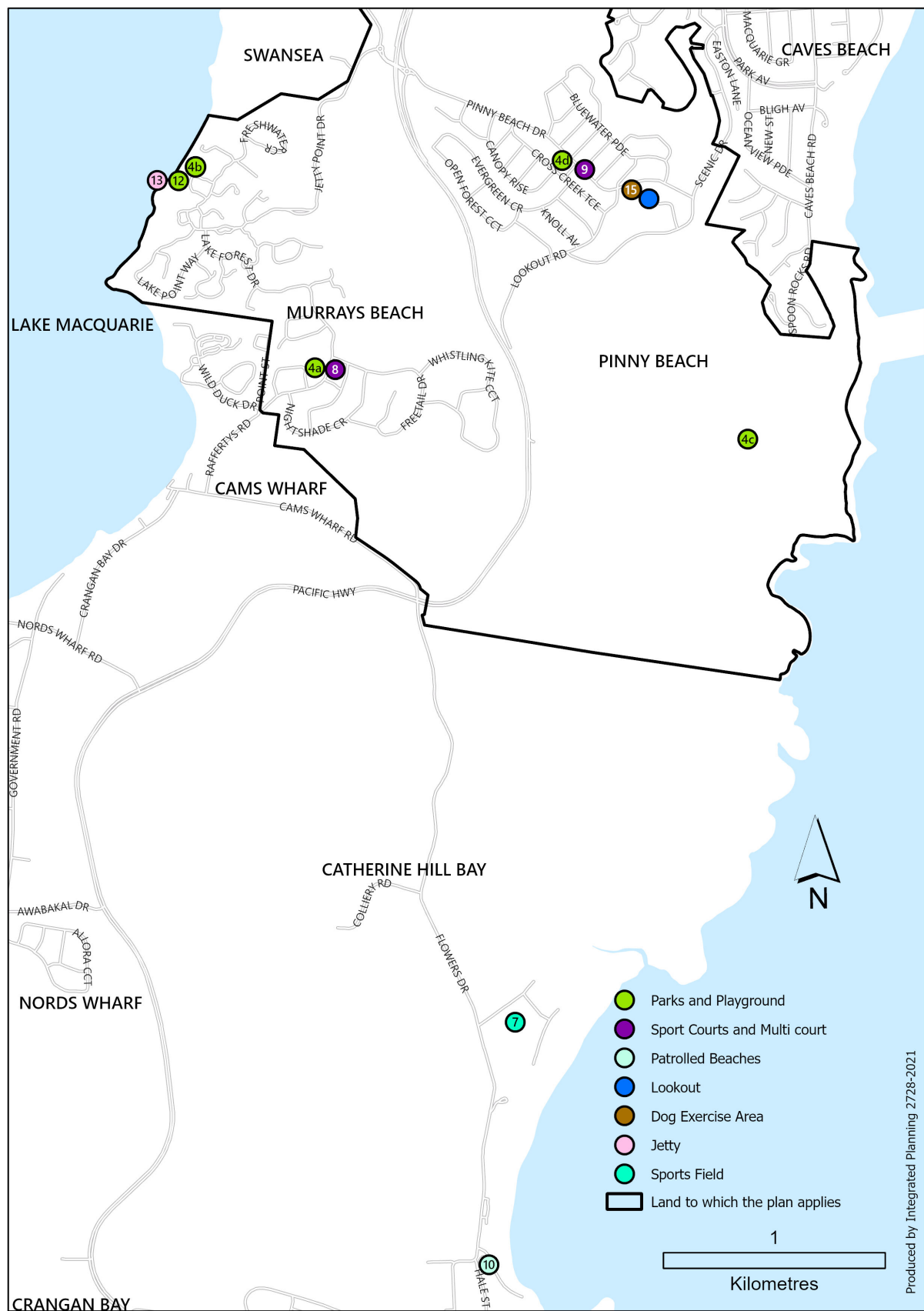


Figure 4 Recreation Facilities – Off-site



Figure 5 Community Facilities



Figure 6 Traffic Facilities

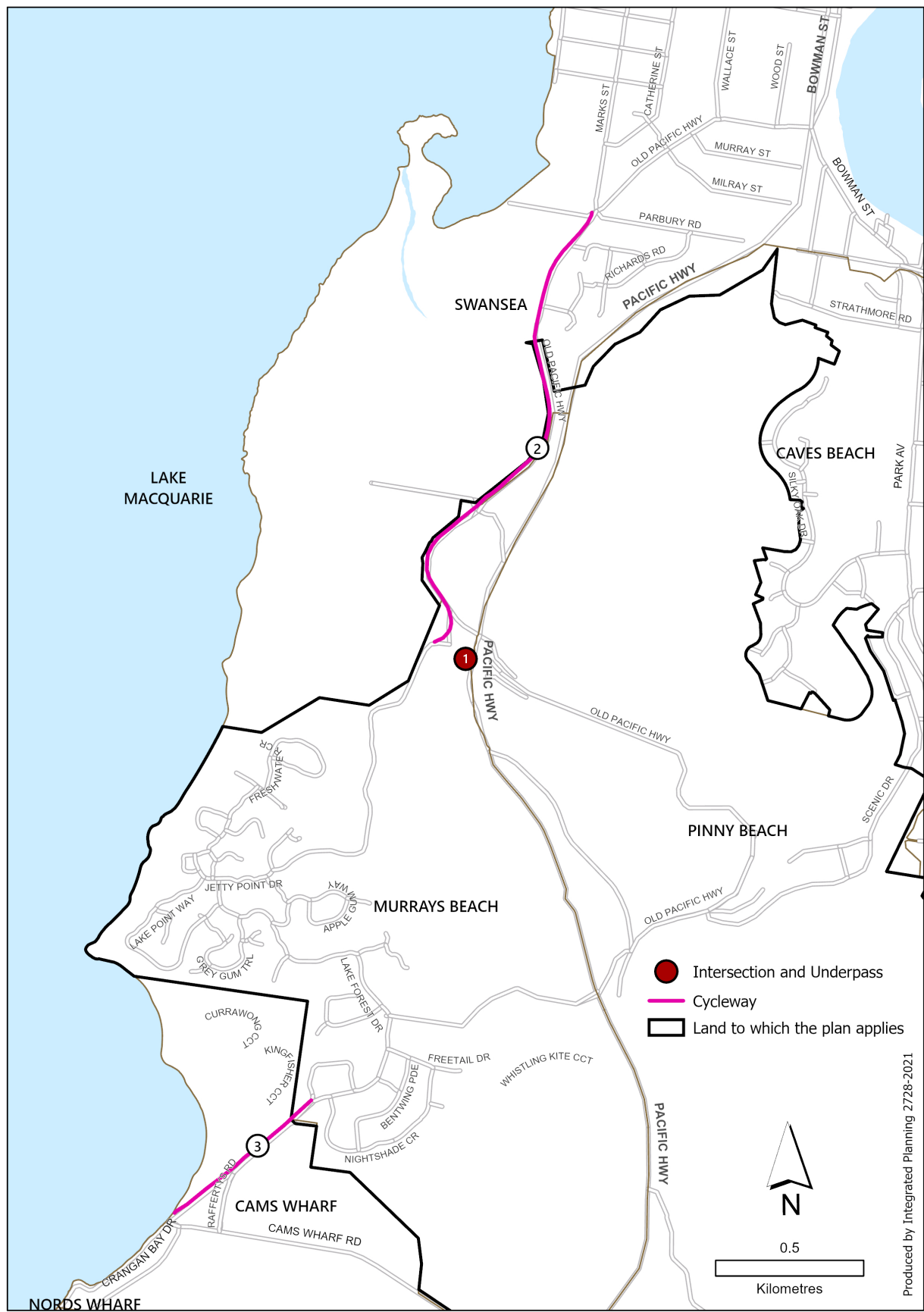
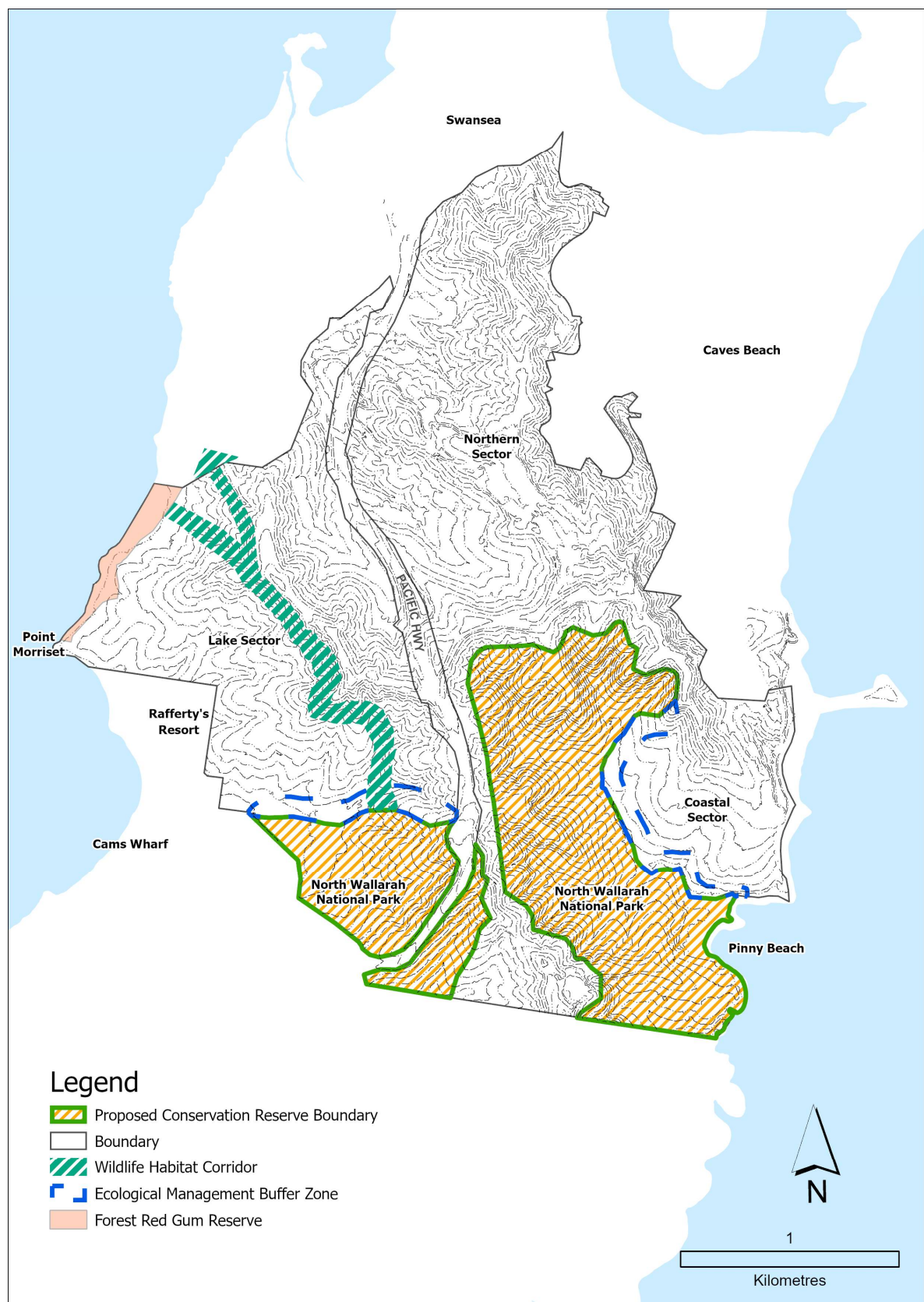


Figure 7 Conservation Land



Appendix A - Recreation Facilities Standards of Provision

Facility	Design Standard	Anticipated Population NWP 4,556	Provision in Plan
Sports Fields	1,500	3.0	Upgrade of existing facilities off-site
Sports Courts (e.g. Tennis/Netball/Basketball/Croquet)	1,100	4.14	3 Multi-courts on-site
Parks	1,000	4.56	4
Playgrounds	1,000	4.56	4
Dog Exercise Area	7,000	0.65	0.65
Skate Park	20,000	0.23	1
BMX Tracks	20,000	0.23	Nil
Shared Pathways	0.55 lm per person	2,505.80	2,250 lm
Jetties	6,000	0.76	1
Boat Ramps	6,000	0.76	0
Beach Facilities	10,000	0.46	Proportional upgrade of 1
Swimming Pools	12,000	0.38	Proportional upgrade of 1

Appendix B - Projected Recreational Need

Facility	Design Standard	Lakeside Sector 1,902	Northern Sector 1,566	Coastal Sector 1,088	Total Population 4,556
Sports Fields	1,500	1.27	1.04	0.73	3.04
Sports Courts (e.g. Tennis/Netball/Basketball/Croquet)	1,100	1.73	1.42	0.99	4.14
Multi-courts (may also allow for Netball/Basketball)	15,000	0.13	0.10	0.07	0.30
Parks	1,000	1.90	1.57	1.09	4.56
Playgrounds	1,000	1.90	1.57	1.09	4.56
Dog Exercise Area	7,000	0.27	0.22	0.16	0.65
Skate Park	20,000	0.10	0.08	0.05	0.23
BMX Tracks	20,000	0.10	0.08	0.05	0.23
Shared Pathways - 1m per person	0.55	1046.10	861.30	598.40	2505.80
Jetties	6,000	0.32	0.26	0.18	0.76
Boat Ramps	6,000	0.32	0.26	0.18	0.76
Beach Facilities	10,000	0.19	0.16	0.11	0.46
Swimming Pools	12,000	0.16	0.13	0.09	0.38

Appendix C - Schedule of Works For Recreation Facilities

Item	Facility	Estimated Cost Capital	Completed Cost	Staging
1	Chapman Oval, Swansea - Construct a cricket wicket off-site, replace the floodlights to accommodate cricket & upgrade existing facilities.		\$377,600	Complete
2	Not used	\$0		
3	Not used	\$0		
4	Park and Playground Settings			
4a	Lake Sector - (Young Children) - Local park and play equipment for 0-10 years, softfall, seating, shade structure, pathway, landscaping. Located at Lake Forest Dr Murrays Beach	\$757,725		When 450 lots are created within the Lakeside Sector
4b	Lake Sector playground only - (Children, incl. Children with disabilities & Youth). A range of play equipment for 0-14 yrs, softfall, seating, shelter, bubbler, pathway landscpaing, childproof fencing (if required). To be located within the Foreshore Park.	\$502,937		When 500 lots are created within the Development area
4c	Coastal Sector - (Children) - Local park and playground. A range of play equipment 0-12 yrs, softfall , seating, shelter, pathway, public toilet, landscaping.	\$693,551		When 300 lots are created within the Coastal Sector
4d	Northern Sector - (Children) - Local park and playground. A range of play equipment 4-12 yrs, softfall , seating, shelter, garbage bin, pathway, landscaping.	\$723,197		When 300 lots are created within the Northern Sector

5	Skate Park Setting - Burragallana Reserve, Swansea - public toilet, seating, shelter, bubbler & water supply, bins, pathway, vehical barrier fencing and landscaping		\$343,244	Complete
6	BMX - Dirt jumps, seating, bubbler, water supply, vehical barrier fencing and pathway. To be located at Green Point	\$0		When 600 lots are created within the Development Area
7	Sports Field - Upgrade existing sportsfield(s) in the neighbouring Belmont Catchment to increase capacity	\$1,937,793		When 700 lots are created within the Development Area
8	Sports Courts (2 courts on-site) - Double batball court, basketball half court including, earthworks, retaining walls, fencing, drainage, picnic table with shade shelter, seating, pathway, landscaping. Located at Lake Forest Dr Murrays Beach.	\$907,279		When 450 lots are created in the Lakeside Sector
9	Multi Court (1 court on-site) - Full size multi court that caters for multiple court sports. Includes subsoil drainage, seating, pathway and landscaping. To be located in the Northern Sector Park	\$169,857		When 300 lots are created within the Northern Sector
10	Patrolled Beaches - Proportion of cost to increase surf lifesaving club facilities at Catherine Hill Bay	\$1,906,220		When 1400 lots are created within the Development Area
11	Swimming Centres - Proportion of the cost to redevelop and expand facilities at Swansea Pool. (indoor program pool, amenities, kiosk, office, carpark)	\$1,571,670		When 1150 lots are created within the Development Area
12	Lake Foreshore Park - Picnic tables & shelter, sheltered BBQ's, seating, bins, public toilet, cycleway/walkway, bridge, park lighting, car park, vehicle barrier fencing, interpretive signage, landscaping, jetty (refer to item 13) and children's play area (refer to item 4b).	\$377,390	\$0	Partially complete. Remaining items when 500 lots are created within the Development Area
13	Jetty - To be located at the foreshore park. Length subject to water depth		\$0	Complete

14	Not used			
15	Dog exercise area - (0.5ha on-site) Fenced	\$150,000		When 300 lots are created within the Northern Sector
16	Hunter Region Athletics & Gymnastics Centre		\$69,856	Complete
17	Fernleigh Track (interpretive & visitor facilities)		\$18,749	Complete
	TOTAL	\$9,697,619	\$809,449	

Note: Items 1 to 16 inclusive include an allowance for design, survey and administration.

Timing of facilities will be prepared in conjunction with the masterplan process. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2021.

Appendix D – Recreation and Open Space Land Requirements

Item	Site	Comment	Estimated Total Area	Total Area Dedicated	Staging
1	Foreshore Park	The forshore land zoned RE1 in the Lake Sector. Identified as Local Reservation 6(c) in Figure 3 of the North Wallarah Peninsula Lakeside Reserve and Habitat Corridor Final Plan of Management	4.33 Ha	0.9165	When 100 lots are created within the Lakeside Sector
2 & 3	Sports Courts & Local Park in the Lake Sector	Land for the Sports Courts (Item 8) and Local Park (Item 4a) located at Lake Forest Dr Murrays Beach			Complete
4	Local Park in the Coastal Sector (Item 6c)	The play area is to be provided centrally located adjoining the coastal walkway	0.5 Ha		When 100 lots are created within the Coastal Sector
5	Local Park in the Northern Sector (Item 6d)	The play area is to be centrally located within the Northern Sector	0.781 Ha		When 150 lots are created in the Northern Sector
6	Dog Exercise Area	1 larger dog exercise area to be provided in the Northern Sector	0.5 Ha		When 300 lots are created within the Coastal Sector
7	Mawson's Lookout	Two areas to be dedicated - referred to as Part Lot 2 DP 811759 in Figure 1.2 of the Mawson's Lookout Plan of Management	908 sq m & 297 sq m		When 600 lots are created within the Northern Sector

Note: 1. Timing of facilities will be prepared in conjunction with the masterplan process. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2021.

Appendix E - Community Facility Standards of Provision

Facility	Standard of Provision
Multipurpose Centre:	At the time the Swansea Multipurpose Centre was planned, designed and built between 2002-2008, Council concentrated on the provision of multipurpose centres instead of single use functions/facilities such as childcare centres, youth centres, neighbourhood centres, function rooms, before and after school centres, early childhood health clinics, community halls, scout halls, guide halls, and senior citizen centres. Multipurpose centres provide accommodation for a number of these functions but each will vary depending on site availability and compatibility of users.
Multipurpose Centre:	Floor area 116.77m ² per 1000 residents. At the time the facility was built, the future resident population estimated by the North Wallarah S94 Development Contributions Plan No.5 2004 was 4,950 people (excluding tourists). A floor area of 578m ² was provided for and has been levied based on the population anticipated for by the North Wallarah Plan 2004. A site area 238.58m ² per 1000 residents for the multipurpose centre and library, was also determined based on the estimated resident population of 4,950 people at the time the facility was built.
Libraries:	Floor area 50m ² per 1000 residents based on the resident population of 4,950 people anticipated by the North Wallarah Plan 2004. A site area 238.58m ² per 1000 residents for the multipurpose centre and library, was also determined based on the estimated resident population of 4,950 people at the time the facility was built.

Appendix F - Schedule of Works for Community Facilities

Item	Facility	Floor Area (m ²)	Completed Cost	Staging
1	Swansea Multi-Purpose Centre, Library & Book Items, Swansea	826	\$2,624,204	Complete
	TOTAL		\$2,624,204	

Appendix G - Community Facilities Land Requirements

Item	Facility	Site Area (m2)	Completed Cost	Proportion Attributable to Development	Cost Attributable to Development
1	Multi-Purpose Centre, Swansea including: Early Childhood Health Centre, OOSHC & Vacation Care, Youth Centre, Community Activity Area and Library	3,483.76	\$691,128	33.9%	\$234,292
	TOTAL		\$691,128		\$234,292

Appendix H - Schedule of Works for Roadworks & Traffic Management

Item 1	Facility	Proportion attributable to development	Estimated Total Cost	Completed Cost	Staging
1	Grade separated intersection (underpass)	100%		Works in kind #1	
2	Strategic Cycleway – North (Murrays Beach to Swansea) 1700lm	100%		\$0	
3	Strategic Cycleway – South (Rafferty's Road to Crangan Bay Road) 550lm	100%	\$1,042,623	\$0	When 525 lots have been developed within the Lakeside Sector
	Sub-total		\$1,042,623		
	TOTAL		\$1,042,623	\$0	

- Note:
1. As the Lensworth Wallarah Peninsula Pty Ltd constructed the underpass as a Works in Kind at no cost to Council, no costs have been included.
 2. Timing of facilities will be prepared in conjunction with the masterplan process. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2021.

Appendix I - Conservation Corridor Land Requirements

Item	Site	Area	Staging
1	Conservation Corridor	23 Ha	<p>To be dedicated progressively with development, having regard to the number of lots developed, development staging and the nexus with development. Dedications of land should commence with the part of the native vegetation corridor that is adjacent to the Wallarah National Park and progress in a northerly direction with each dedication sharing a boundary with the previous one.</p> <p>To achieve the conservation strategy, conservation corridor is to be dedicated in its entirety regardless of the final lot yield i.e. 23ha is to be dedicated even if the lot yield is less than predicted in this plan.</p> <p>Land with conservation value that is adjacent to the corridor may also be accepted by Council for dedication on a case by case basis under the same conditions indicated in section 9. This would be in addition to the required 23 hectares.</p>
	TOTAL	23 Ha	

Note: Timing of facilities will be prepared in conjunction with the masterplan process. Any changes to the plan will be prepared in accordance with the Environmental Planning & Assessment Act 1979, and the Environmental Planning & Assessment Regulation 2021.

Appendix J - Schedule of Contribution Rates

Facility	Total Cost/ Dedication	Population	Monetary contributions				Land dedication m ²
			Person	1 / 2 Bedroom Dwelling	3+ Bedroom Dwelling / Lot	Tourism Unit	3+ Bedroom Dwelling / Lot
Recreation Facilities	\$10,507,067	4556	\$2,306.20	\$3,459.31	\$6,687.99	\$3,574.62	N/A
Recreation Facilities Land	\$0	4556	\$0.00	\$0.00	\$0.00	\$0.00	N/A
Open Space Acquisition (m²)	71,481	4556	N/A	N/A	N/A	N/A	45.50
Community Facilities	\$2,624,204	4556	\$575.99	\$863.98	\$1,670.37	\$892.78	N/A
Community Facilities Land	\$234,292	4556	\$51.42	\$77.14	\$149.13	\$79.71	N/A
Traffic Management Facilities	\$1,042,623	4556	\$228.85	\$343.27	\$663.65	\$354.71	N/A
Conservation Corridor (m²)	230,000	4556	N/A	N/A	N/A	N/A	146.40
Management	\$357,018	4556	\$78.26	\$117.54	\$227.25	\$121.46	N/A
TOTAL			\$3,240.82	\$4,861.24	\$9,398.39	\$5,023.28	191.90

- Notes:
- 1 Population of 4,556 is based on expected resident and tourist population for North Wallarah Peninsula.
 - 2 Population of 4,426 is based on the expected resident population (excludes the tourist population).
 - 3 Contribution rates vary depending for different size dwellings, based on occupancy rates (as explained in Section 5.3).
 - 4 Contributions for management include costs associated with the ongoing management and administration of the Plan. Where land is dedicated, or works carried out in lieu of monetary contributions, the administration component will be levied based on the monetary contribution.