
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 26/10/2021 - ADOPTION OF DEVELOPMENT CONTRIBUTIONS
FRAMEWORK**

PAGE 3	ITEM-102	Attachment A:	Section 7.11 Development Contributions Plan
PAGE 48	ITEM-102	Attachment B:	Section 7.12 Development Contributions Plan
PAGE 84	ITEM-102	Attachment C:	Submissions Table

DISTRIBUTED UNDER SEPARATE COVER

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 26/10/2021 - ADOPTION OF DEVELOPMENT CONTRIBUTIONS
FRAMEWORK**

ITEM-102 **Attachment A:** Section 7.11 Development Contributions Plan

DISTRIBUTED UNDER SEPARATE COVER

Section 7.11 Development Contributions Plan



Acknowledgment

City of Newcastle acknowledges that we operate on the grounds of the traditional country of the Awabakal and Worimi peoples.

We recognise and respect their cultural heritage, beliefs and continuing relationship with the land and waters, and that they are the proud survivors of more than two hundred years of dispossession.

City of Newcastle reiterates its commitment to address disadvantages and attain justice for Aboriginal and Torres Strait Islander peoples of this community.

This Section 7.11 Development Contributions Plan has been prepared by DFP Planning Pty Ltd



planning consultants

in association with the City of Newcastle

Enquiries

For information contact
City of Newcastle
Phone 4974 2000

Published by
City of Newcastle
PO Box 489, Newcastle NSW 2300
Phone 4974 2000 Fax 4974 2222
mail@ncc.nsw.gov.au
newcastle.nsw.gov.au

© 2021 City of Newcastle

Contents

Executive Summary	iii
1 Introduction	1
1.1 Name of this Plan	1
1.2 Commencement of this Plan	1
1.3 Purpose and Objectives of this Plan	1
1.4 Land to which the Plan applies	1
1.5 Development forms to which this Plan applies	1
1.6 Exemptions and Reductions	3
1.7 Operation Period of the Plan	3
1.8 Structure of this Plan	3
1.9 Glossary	4
1.10 Relationship with other plans, reports and policies	4
1.11 Savings and transitional arrangements	4
2 Administration of the Plan	5
2.1 Scope of this Plan	5
2.2 Types of transport and social infrastructure addressed by this Plan	5
2.3 How will contributions be imposed?	5
2.4 Methods of payment	5
2.5 Timing of payments	7
2.6 Indexation of contributions	9
2.7 Allowances for existing development	9
2.8 Credits	10
2.9 Monitoring and review of the Plan	10
2.10 Accounting and management of funds	11
3 Expected development and demand for transport and social infrastructure	13
3.1 Overview	13
3.2 Existing Population Characteristics	13
3.3 Forecast Development and Population	13
3.4 Demand for public facilities and services	15
4 Infrastructure contributions	16
4.1 Transport	16
4.2 Open space and recreation facilities	18
4.3 Community facilities	20
4.4 Plan Preparation and Administration	22

Contents

Appendix A - Glossary	23
Appendix B – Works Schedule	29
Appendix C – Maps of Infrastructure Locations	30
Appendix D – Pro forma Condition of Consent	33
Appendix E – Pro forma CDC Condition	34
Appendix F – References	35

Figures

Figure 1 Land Application Map	2
-------------------------------	---

Tables

Table E1 Summary of contribution rates by infrastructure type	iv
Table E2 Summary of contributions by development type	iv
Table E3 Summary of Works Schedule	v
Table 1 Forecast Population 2021-2036 (.id, 2021) ^A	14
Table 2 Estimated Additional Residential Dwellings 2021-2036	14

Abbreviations

ABS	Australian Bureau of Statistics
CC	construction certificate
CDC	complying development certificate
Council	Newcastle City Council
DA	development application
DCP	development control plan
DPIE	NSW Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
FSR	floor space ratio
GFA	gross floor area
LEP	local environmental plan
LGA	local government area
LSPS	Local Strategic Planning Statement
PA	planning agreement
RMS	NSW Roads and Maritime Services
SC	Subdivision Certificate
SEPP	state environmental planning policy

Executive Summary

Purpose and Objectives of the Plan

This Plan is the **City of Newcastle Section 7.11 Development Contributions Plan 2021-2036** and has been prepared to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*, enabling Council or an accredited certifier to impose conditions of consent requiring monetary contributions from development for the provision of transport and social infrastructure that is required to meet the demands of that development.

In order to impose a condition of development consent requiring contributions, Council must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the infrastructure for which the contribution is being required.

This Plan will ensure that adequate transport and social infrastructure is provided to meet the demands generated by new development and that the existing community is not burdened by the provision of transport and social infrastructure required as a result of future development.

In addition, this Plan provides an administrative framework under which specific infrastructure strategies may be implemented and coordinated and a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on a reasonable and equitable basis. In this way, Council can be publicly and financially accountable in its assessment and administration of the Plan.

Nature of future development

Between 2021 to 2036, there is forecast to be approximately 23,740 additional residents in the City of Newcastle Local Government Area (LGA) accommodated within approximately 11,520 private dwellings.

This future residential population will create a demand for new, enhanced or augmented transport and social infrastructure and hence this Plan sets out a framework to require future development to make reasonable contributions toward the cost of the infrastructure identified in this Plan.

Life of the Plan

The Plan caters for a planning period from 2021 to 2036 with this period generally aligning with various NSW State Government and Council strategies and being within the horizon of residential population forecasts utilised by Council for planning and infrastructure purposes.

The Plan will be monitored during this time to ensure that transport and social infrastructure is provided as development proceeds and to amend the Plan if necessary, as it is unlikely that growth will remain exactly in accordance with that forecast in the Plan.

The cost estimates and land values within the Plan will be indexed between the date of adoption of this Plan and the date of payment of the contribution. Cost estimates and land values will also be monitored during the life of the Plan to ensure that they reflect current costs and if necessary, amendments will be made to the Plan.

Apportionment of costs

To ensure that the required contributions only relate to the demand generated by a proposed development, the cost of some facilities in this Plan are apportioned to account for demands of the existing population. However, where the demand for facilities is solely as a consequence of future development, the full costs of those facilities are to be borne by future development.

This Plan also accounts for the varying demands generated by different types of development. For instance, different forms of residential development are anticipated to have different occupancy rates and contributions have been calculated accordingly.

Executive Summary

Summary of contributions by infrastructure type

Table E1 summarises the facilities for which contributions are sought under this Plan and the base upon which contributions are to be sought, based on various calculations specified within this Plan (see Sections 4.1.5, 4.2.5, 4.3.5 and 4.4.5).

Table E1: Summary of contribution rates by infrastructure type		
Infrastructure Category	Base Factor to Generate Contribution Rate	Contribution (per person)
Transport	per person	\$1,078.87
Open Space and Recreation	per person	\$4,636.14
Community Facilities	per person	\$857.65
Plan Preparation and Administration	per person	\$164.08
	TOTAL	\$6,736.74

For the purposes of applying this Plan, the above rates are converted to a development type as set out in **Table E2**.

Summary of contributions by development type

Table E2 summarises the total contribution rates for typical development types as at the time that this Plan is publicly exhibited. The rates will be indexed after public exhibition so that they accurately reflect the costs at the date of commencement of the Plan.

The rates will be indexed between the date of commencement of the Plan and the date of payment (see **Section 2.6** for further details). A development consent or complying development certificate will reflect the indexed rate that applies at the date of consent.

Table E2: Summary of contribution rates by development type		
Development Type	Occupancy Rate^A	Contribution
Dwelling house / residential lot / exhibition home	2.65	\$17,852.37
Secondary Dwelling / Rural worker's dwelling	1.50	\$10,105.11
Studio / 1-bed apartment in a residential flat building or shop-top housing	1.50	\$10,105.11
2-bed apartment in a residential flat building or shop-top housing	1.60	\$10,778.79
3 or more bed apartment in a residential flat building or shop-top housing	1.95	\$13,136.65
Seniors housing ^B	1.82	\$12,260.87
Attached dwelling, dual occupancy dwelling, multi-dwelling housing, semi-detached dwelling	2.00	\$13,473.49
Other Development	See Note C	
Notes:		
A. These are the occupancy rates for future residential development (excluding existing development) to 2036.		
B. Excluding residential care facilities.		
C. Other development not specified in this table will be assessed in accordance with Section 1.5 and Section 1.6 of this Plan and the per person rates specified in Table E1 .		

Executive Summary

Summary of works schedule

The works to be provided by funds generated by this Plan are specified in the schedule of works at [Appendix B](#) and summarised in **Table E3**.

Table E3: Summary of works schedule	
Description	Cost to New Development
Transport	\$19,725,689
Open Space and Recreation	\$84,765,322
Community Facilities	\$15,681,000
Plan Preparation and Administration	\$3,000,000
TOTAL	\$123,172,011

Rounding differences

The figures in this report are subject to rounding differences. Minor discrepancies may occur due to differences between the calculated approximation of a number and its exact mathematical value. All end values (contribution rates) have been calculated through the master spreadsheet.

1 Introduction

1.1 Name of this Plan

This Plan is the **City of Newcastle Section 7.11 Development Contributions Plan 2021-2036** (the “Plan”).

1.2 Commencement of this Plan

This Plan has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and takes effect from **1 January 2022**, being the date specified in the public notice, published pursuant to the Regulation.

1.3 Purpose and Objectives of this Plan

This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to require contributions from development for the provision of transport and social infrastructure that is required to meet the demands of that development.

Contributions may be in the form of a monetary contribution, dedication of land to Council or the provision of a material public benefit, which may include a work commonly referred to as a ‘work-in-kind’.

In order to impose a condition of development consent requiring contributions, Council must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the transport and social infrastructure for which the contribution is being required as detailed in the provisions of this Plan. Accordingly, the objectives of this Plan are to:

- (a) authorise Council or an accredited certifier to impose conditions under the Act when granting consent to development on land to which this Plan applies including Complying Development;
- (b) ensure that adequate transport and social infrastructure is provided to meet the demands generated by new development;
- (c) provide an administrative framework under which specific infrastructure strategies may be implemented and coordinated;
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- (e) ensure that the existing community is not burdened by the provision of transport and social infrastructure required as a result of future development; and
- (f) enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

1.4 Land to which the Plan applies

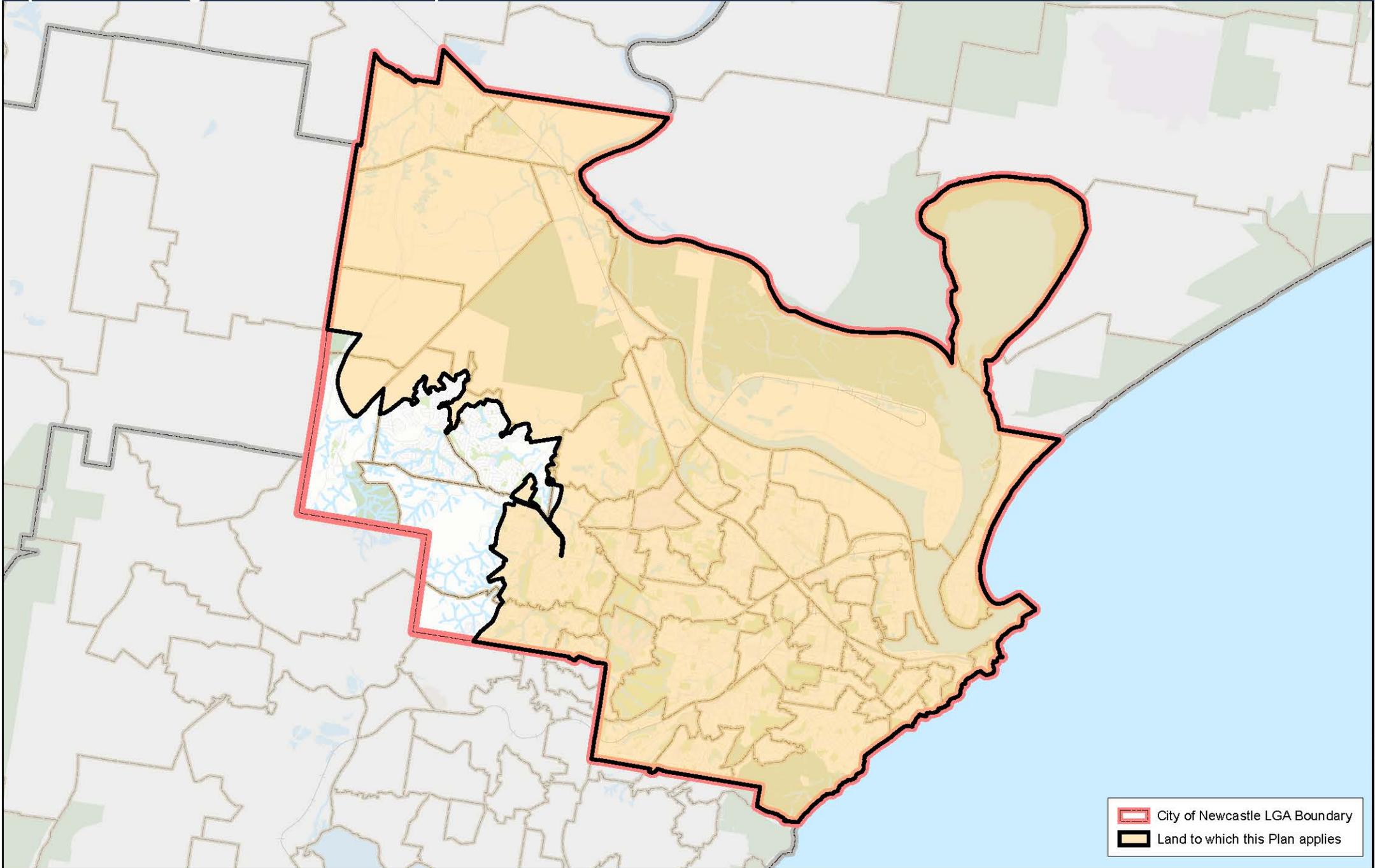
This Plan applies to all land shown on the Map (see **Figure 1**) which includes all land within the City of Newcastle LGA except for land to which the Section 7.11 Western Corridor Local Infrastructure Contribution Plan applies.

1.5 Development forms to which this Plan applies

This Plan applies to residential development which would result in the creation of additional private lots/dwellings, **except mixed residential and non-residential development where the residential component comprises less than 10% of the total gross floor area or where an exemption is provided by Section 1.6 of this Plan.**

Where development is of a type not specifically stated in this Plan and is not explicitly exempt from this Plan, but which would result in additional demands for transport and social infrastructure, City of Newcastle will determine an appropriate residential occupancy rate and apply the per person rate as specified in **Table E1** of this Plan.

Figure 1 – Land Application Map – City of Newcastle LGA (not including Western Corridor)



 City of Newcastle LGA Boundary
 Land to which this Plan applies

DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. City of Newcastle accepts no responsibility for any misprints, errors, omissions or inaccuracies in these documents/maps or for loss or damages resulting from reliance on any information provided

0 1.5 3 6
Kilometres

Scale: 1:120,000 at A4



Created by CN - Date: 3/03/2021

1 Introduction

1.6 Exemptions and Reductions

Council will provide an exemption from, or reduction to, development contributions required by this Plan when directed to do so by the Minister for Planning and Public Spaces or as specified in this Section.

At the date of commencement of this Plan, the prevailing Ministerial Directions¹ included the following relevant to the land to which this Plan applies:

1. No contributions for 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*;
2. No contributions for an application determined by the City of Newcastle (or delegate) or accredited certifier for development on land within the 'Port of Newcastle Lease Area' as shown on the relevant Map within *State Environmental Planning Policy (Three Ports) 2013*;
3. A maximum of \$20,000 per dwelling or per lot for development comprising one or more dwellings or in the case of subdivision, the creation of one or more residential lots.

In addition, the following forms of residential accommodation are exempt from this Plan, although these forms of accommodation may attract a contribution under Council's s7.12 Contributions Plan:

- Boarding houses;
- Group homes;
- Hostels;
- Residential care facilities; and
- Student housing.

Council does not apply discounts to the payment of development contributions unless otherwise stated in this Plan.

1.7 Operation Period of the Plan

The Plan is intended to cater for a planning period 2021 to 2036 which is within the period for which residential population forecasts have been prepared.

The Plan will be monitored and if growth appears likely to occur earlier or later than forecast, the operation period of the Plan may be adjusted to suit.

1.8 Structure of this Plan

This Plan is arranged into four sections:

Section 1 – Introduction (this section), identifies the name of the Plan, its commencement date, the purpose, aims and objectives of the Plan, the land to which the Plan applies and the Plan's relationship to other plans, reports and policies.

Section 2 – Administration and operation of the Plan, outlines the scope of the Plan, the forms of development to which it applies, the types of transport and social infrastructure addressed by the Plan, describes how and when contributions are to be made and provides details regarding the ongoing management and review of the Plan.

Section 3 – Expected development and demand for transport and social infrastructure, outlines the forecast future development and basis for increased demand for facilities and services.

¹ Contributions required under this Plan will be in accordance with the Ministerial Directions in force at the date of determination of an application which may vary from those stated in this Plan.

1 Introduction

Section 4 – *Transport and social infrastructure and contributions*, provides details of each category of infrastructure in the Plan, including details of existing provision, nexus, what will be provided and when, apportionment and how contributions have been calculated.

The **Appendices** to this Plan include a Glossary which explains the meaning of words and terms used in this Plan, a detailed Works Schedule, maps showing the location of facilities, pro-forma conditions for development consents and Complying Development Certificates and a list of References including the plans, policies and other information which support the contents of the Plan.

1.9 Glossary

The meanings of key words and terms used in this Plan and are contained in the Glossary at **Appendix A**.

1.10 Relationship with other plans, reports and policies

The Section 7.12 Newcastle Development Contributions Plan 2020 will continue to apply to development applications determined prior to the date this Plan comes into force and any modification applications pursuant to s4.55 of the EP&A Act that have not been determined prior to the date this Plan comes into force.

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

1.11 Savings and transitional arrangements

If a development application **or application for a Complying Development Certificate** has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the provisions of this Plan.

If a modification application pursuant to s4.55 **or s4.56** of the Act has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined **in accordance with the contributions plan that applied at the date that the original development consent was granted.**

2 Administration of the Plan

2.1 Scope of this Plan

Between 2021 and 2036, there is forecast to be approximately 23,740 additional residents in the City of Newcastle Local Government Area (LGA) accommodated within 11,520 private dwellings and other residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing (see **Section 3.3**).

This future development in the LGA will create a demand for new, enhanced or augmented transport and social infrastructure.

This Plan sets out the range of infrastructure considered necessary to cater for this demand and how future development proposals will be required to contribute to the cost of this infrastructure.

2.2 Types of transport and social infrastructure addressed by this Plan

Under this Plan, Council will require development contributions for the following transport and social infrastructure:

- Transport, including road, footpath and cycling infrastructure;
- Open space and recreation facilities including:
 - New and embellished public spaces and associated landscaping;
 - New and embellished recreation facilities;
- Community facilities including:
 - Libraries and resource materials; and
 - Community centres and halls;
- Preparation of this Plan and supporting studies; and
- Administration and management activities associated with this Plan.

2.3 How will contributions be imposed?

In accordance with the Act, development contributions under this Plan will be imposed as a condition of development consent (see **Appendix D**) or as a condition on a Complying Development Certificate (see **Appendix E**).

2.4 Methods of payment

In accordance with the Act, an obligation to provide contributions toward transport and social infrastructure can be satisfied by one or more of the following methods:

- Payment of a monetary contribution;
- The dedication of land; and/or
- Provision of a material public benefit.

Generally, the method of payment will be specified as a condition of the development consent although Council may consider any of the abovementioned alternative methods of payment at its sole discretion and in accordance with the Act and the provisions of this Plan.

2.4.1 Monetary contributions

Payment of contributions can be made online via credit card or at the counter via cheque, credit card, eftpos or any other means determined acceptable by Council from time to time.

2.4.2 Dedication of land

In accordance with the provisions of this Plan, Council may require that land be dedicated as a form of contribution toward the provision of transport and social infrastructure. Where such dedication is required, it must be undertaken in accordance with the following:

- The process for dedication of land is to occur in conjunction with the payment of monetary contributions applicable to any development consent granted for the land;

2 Administration of the Plan

- The dedication of land is to be 'free of cost' – meaning that all costs associated with the dedication of the land and its transfer to Council's ownership are to be borne by the applicant/developer;
- At the time of transfer, the land is to be in a condition which is suitable for its identified public purpose (as determined by City of Newcastle) and is to be cleared of all rubbish and debris and have a separate title.

2.4.3 Material public benefits / 'works-in-kind'

Council may accept an offer by the applicant to provide an 'in-kind' contribution (i.e. the applicant completes part or all of the work/s identified in the Plan) or through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under this Plan.

Council is under no obligation to accept works-in-kind or material public benefit (MPB) offers and in considering any such offer, will assess the benefits to the Council and the community and give due consideration to relevant matters including the following:

- (a) the extent to which the works/MPB satisfies the purpose for which the contribution was sought;
- (b) the works-in-kind being 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 items within the works schedule;
- (d) the impending need to construct the works for which the contributions are to be offset;
- (e) the provision of the works/MPB 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;
- (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) impact of recurrent operational and maintenance costs; and
- (j) the provision of the works/MPB must not result in piecemeal delivery of infrastructure or likely to result in the need to reconstruct the works due to future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct).

In accepting material public benefits other than a work-in-kind, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan and that this benefit warrants Council accepting responsibility in fulfilling the intent of the Plan notwithstanding a reduction in expected cash contributions.

A 'work in-kind' relates to the undertaking of a specific or equivalent work specified in the Plan, and is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria. However, Council may not accept an off-set to the cash otherwise required to be paid which exceeds the quantum of cash payable under the infrastructure category that relates to the work-in-kind.

For example, if a condition of a development consent requires a certain cash payment towards transport infrastructure, the provision of a work-in-kind for transport infrastructure proposed by the Plan will meet only the cash payment required towards transport infrastructure by that consent, even if the cost of the works exceeds that amount.

If the cost of a work in-kind exceeds the cash payment required by a development consent under the infrastructure category that relates to the work-in-kind, Council may consider the following:

2 Administration of the Plan

- (a) provision of the work at the applicant's expense with Council recouping contributions from future development and reimbursing the applicant for costs exceeding the applicant's share, up to the total estimated cost in the Plan; or
- (b) granting a credit to the applicant on the basis of the equivalent number of persons, beds or workers that the applicant may rely upon to offset contributions otherwise payable under this Plan for other development within the LGA (see also Section 2.8).

2.4.4 Planning agreements

An applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application. Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions provided for by the Act.

An applicant's offer to enter into a planning agreement, together with the draft agreement, will generally need to accompany the relevant development application or an application to modify the development consent. Council may also consider an offer to enter into a planning agreement where an applicant has sought a change to an environmental planning instrument (commonly referred to as a rezoning application).

Council will publicly notify the draft planning agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the draft planning agreement as part of its assessment of the relevant application. If Council agrees to enter into the planning agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

2.5 Timing of payments

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 as follows, subject to any prevailing Ministerial Direction:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – 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 issue of an Occupation Certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing;
 - where no works are proposed – prior to occupation or issue of an Occupation Certificate, whichever occurs first.

It is the responsibility of an 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 issuing a Complying Development Certificate.

2.5.1 Deferred or periodic payments

Deferred payment of development contributions may be permitted in certain circumstances in accordance with the criteria outlined below:

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (b) the decision to allow deferred payment will be at the sole discretion of Council;

2 Administration of the Plan

- (c) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (d) the works project to which the request applies does not relate to public safety or health;
- (e) the amount of the contribution or outstanding balance is not less than \$50,000;
- (f) 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 and Council and the applicant have a legally binding agreement for the provision of the works or land dedication;
- (g) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (h) the maximum period for payment by instalments is two years from the standard payment date;
- (i) deferred payments and payments by instalments are subject to indexation.

If Council decides to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- the Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of City of Newcastle;
- the Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of City of Newcastle;
- 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 unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to 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.

2.5.2 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 or an Occupation Certificate, whichever is applicable 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 an alternate payment method has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2 Administration of the Plan

2.5.3 Complying development and the obligation of accredited certifiers

In accordance with the Section 7.21 of the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (see **Appendix E**) 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's current consent condition requirements.

Accredited certifiers should 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.

2.6 Indexation of contributions

To ensure that the value of contributions is not eroded over time, the contributions stated in this Plan will be indexed at the time of payment to reflect changes in the cost of facilities in the following manner:

$$\$C_{PY} = \frac{\$C_{PC} \times CPI_{PY}}{CPI_{PC}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment.

\$C_{PC} is the amount of the contribution for works schedule items at the date of the Plan Commencement (or date of development consent – see below).

CPI_{PY} 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_{PC} is the CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the date of the Plan Commencement (or date of development consent – see below).

A development consent or complying development certificate may show the contribution payable at the date the consent/certificate is issued. In this circumstance, if the contribution is not paid within the same financial quarter as the date of the consent/certificate, the payment shall be further indexed 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 Regulation. The current contributions rates are available from Council Administration Offices or Council's website.

2.7 Allowances for existing development

All forecasts of future additional development within this Plan have been calculated allowing for existing development at the time of preparing the Plan and to accord with the estimated resident population as of 1 January 2021.

Contributions required under this Plan are based on the estimated net increase in demand. When calculating contributions, the contribution that would be applicable to any existing lawful development on the site of a proposed new development will be discounted. 'Existing lawful development' is taken to be development that existed on the site of the proposed development as of 1 January 2021 and which has the benefit of a valid development consent or existing use rights.

2 Administration of the Plan

Accordingly, if an applicant wishes to obtain an allowance against contributions payable based on pre-existing development, information must be provided with the development application which demonstrates the lawful existence of the development on the subject site as of 1 January 2021.

Council will only consider an allowance for the existing development to the extent of the demand for specific transport and social infrastructure arising from that development.

2.8 Credits

A credit may be provided by Council where the net contributions provided by any particular development exceed that required by the Plan. This could arise where an applicant proposes the provision of work or dedication of land, at a value determined by Council to exceed the amount of cash otherwise payable in accordance with the Plan. However, credits will only be provided at Council's absolute discretion.

A credit will only be provided against the same infrastructure category for which the surplus contribution relates. For example, if the applicant proposes to dedicate more public open space that would otherwise be required under the Plan, then a credit could be accrued against open space contributions requirements of future development. Consequently, if an applicant dedicates more public open space than would otherwise be required under the Plan, the value of the additional open space cannot be used to offset the cash contribution otherwise payable under a different contribution category, such as transport or community facilities. The objective is to ensure that Council maintains an adequate flow of contributions across the range of facilities to be funded under this Plan to provide for the orderly and staged delivery of all categories of facilities.

The amount and terms of the credit are to be negotiated prior to the dedication of land or commencement of works and will be for the additional value only as agreed by Council. If agreed, Council will advise the applicant of the credit which would be redeemable in lieu of contributions in the same infrastructure category otherwise payable by the applicant for future development in the area to which this Plan applies.

Council reserves the right to require payment of a monetary contribution or to terminate the "credit agreement" should the applicant be unwilling or unable to meet its terms. No credit will be given for land or works which are not nominated in the works schedule in the relevant contributions plan.

If an applicant seeks to offset a credit against the cash payable under a different infrastructure category or to be reimbursed in cash, then this would need to be negotiated with Council as part of a planning agreement or a works-in-kind/material public benefit agreement in accordance with the provisions of this Plan and Council's associated Policies.

2.9 Monitoring and review of the Plan

It is intended that this Plan be monitored and reviewed on a regular basis as it contains forecasts of future development and the likely demands and costs of providing transport and social infrastructure for residents and workers arising from that future development.

Monitoring actual developments, population changes and community demands will allow appropriate updating and amendment as necessary.

The cost of works proposed by the Plan (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

Council's aim is that all forecasts, costs and assumptions are reviewed and adjustments and/or amendments as appropriate will be made at five yearly intervals after the date of adoption of this Plan.

In accordance with Clause 32(3) of the Regulation, Council may also make minor amendments to this Plan such as minor typographical corrections and adjustment of contribution rates due to indexation as specified in this Plan. Such amendments may be made without public exhibition and/or adoption by Council.

2 Administration of the Plan

2.10 Accounting and management of funds

2.10.1 Accounting standards and contributions register

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation.

Council is also required to publish details of development contributions accounts annually and this is undertaken as part of Council annual financial reporting cycle.

2.10.2 Treatment of funds received prior to the commencement of this Plan

There are no funds received under previous s7.11 plans that require transferring to the account for this Plan.

2.10.3 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for infrastructure specified in this Plan.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used for the purpose for infrastructure specified in this Plan.

2.10.4 Pooling of contributions

Subject to any prevailing Ministerial Direction, this Plan expressly authorises monetary contributions received under this Plan, any previous plans and any other current s7.11 or s7.12 contributions plans to be pooled and applied (progressively or otherwise) for the purposes for which the contributions were made.

2.10.5 Other funding sources

Works proposed in this Plan represent infrastructure to be funded via a variety of sources. In some instances, the total cost of work is to be funded pursuant to the development contributions provisions of the Act. In other instances, the cost is to be borne by a combination of development contributions under this Plan, development contributions received under previous contributions plans, and/or other funds.

Several of the proposed works items in this Plan have been allocated grant funding and accordingly, the cost attributable to future development does not include such grant funding. Should additional grant funding become available in the future, the works schedule in this Plan will be reviewed and the contribution rates may be adjusted.

2.10.6 Refunds

A request for a refund of monetary contributions paid to Council must be accompanied by either:

1. A modification application pursuant to s4.30, s4.55 or s4.56 of the Act, which seeks to amend/delete the contributions condition; or
2. Surrender of a development consent pursuant to s4.17 or s4.63 of the Act in the form required by cl97 of the Regulation.

Subject to other considerations required by s4.15 or s4.28 of the Act, Council may consider refunding monetary contributions paid pursuant to this Plan, where:

- the condition requiring payment of a monetary contribution was imposed in a manner that was not in accordance with the provisions of this Plan as it existed at the date of determination of the development application or complying development certificate;
- the number of dwellings/lots/persons approved by the development application or complying development certificate has changed as a consequence of an approved modification;
- a modification application seeks the full or partial use of the development for a purpose that would qualify for a reduction or exemption (e.g. seniors housing by a social housing provider). In this instance, no reduction or refund will be granted unless Council is satisfied that the

2 Administration of the Plan

application has been assessed with regard to all relevant considerations applicable to that type of development and if appropriate, lawful additional conditions are imposed to require the development to be operated in such a manner that accords with the proposed use (e.g. housing to be provided by a social housing provider that is to be occupied by persons 55 and over or persons with a disability).

Refunds will not be considered where occupation/commencement of the approved development has occurred.

In assessing a request to refund monetary contributions, Council will consider whether it is in a financial position to do so, having regard to whether those funds have already been spent or committed for expenditure (e.g. a project has started and would be adversely impacted if the money contribution (in whole or in part) is refunded). Council may also have regard to whether it is appropriate to provide a refund in accordance with a payment schedule.

Furthermore, where a request for a refund is not as a consequence of an error on behalf of the consent authority, any refund will be exclusive of any interest that may have been earned on the contribution between the date of payment to the date of the refund.

2.10.7 Goods and services tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

In addition, at the date of preparing this Plan, non-monetary 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, do not constitute a taxable supply. Therefore, there are no GST implications for non-monetary contributions.

However, if legislative changes (including Australian Tax Office tax rulings) determine otherwise, contributions in this Plan will be adjusted to include GST.

3 Expected development and demand for transport and social infrastructure

3.1 Overview

The City of Newcastle LGA is Australia's seventh largest city comprising land area of approximately 187km² extending approximately 18km from the mouth of the Hunter River in the east to Minmi and Beresfield in the west and with 14km of coastline extending from Stockton in the north to Merewether in the south.

The LGA is the economic hub and cultural heart of the Hunter Region and is home to significant infrastructure including the Port of Newcastle, John Hunter Hospital, University of Newcastle, Newcastle Art Gallery, Newcastle Museum and the Civic Theatre and Playhouse.

The LGA also has significant natural areas with diverse ecosystems and subject to the pressures of natural hazards and urbanisation.

The majority of the existing residential population is contained in the existing urban areas in the southern and eastern portions of the LGA and this is where much of the anticipated future residential development is expected to occur, arising out of development in the Catalyst Areas and Renewal Corridors identified in Council's Local Strategic Planning Statement (LSPS) as well as infill development. A significant portion of future development is also expected to occur within the Western Corridor urban release area which is subject to the Western Corridor s7.11 Plan.

3.2 Existing Population Characteristics

The detailed population figures prepared by .id estimate the resident population of the LGA for the year 2021 as being 171,308 persons living in 73,730 dwellings (.id, 2021). For the purposes of this Plan, this is taken to be the 'existing' residential population. This is an increase of approximately 10,390 persons (or 6.5%) over the 2016 population.

Based on information derived from the 2016 ABS Census, approximately 71% of the total housing stock in the LGA comprised detached dwellings, approximately 15% comprised attached dwellings, dual occupancies, semi-detached dwellings and multi dwelling housing and approximately 12% comprised apartments.

Notwithstanding, detached dwellings account for only a small proportion of dwelling approvals since 2016 (27%) and the estimates of infill housing supply prepared for Council indicate that the vast majority of future housing supply will be for apartments and forms of housing other than detached dwellings.

The age structure of the existing population is characterised by a much higher proportion of persons aged 15-35 years (31%) compared to the NSW average (27%) with other age cohorts all slightly less than the NSW average.

3.3 Forecast Development and Population

3.3.1 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 was finalised in October 2016 and is a 20-year plan to guide the NSW Government's planning priorities and decisions for the Hunter Region and provide a framework for more detailed land use and infrastructure planning and funding. The following summarises key aspects of the plan as they relate to the City of Newcastle:

- The resident population of 'Greater Newcastle' (comprising the urban areas of the LGAs of Newcastle, Lake Macquarie, Port Stephens, Cessnock and Maitland) is expected to grow by approximately 125,000 people in 50,000 dwellings between 2016 and 2036 with the City of Newcastle LGA accounting for 33,300 of these new residents in 16,800 dwellings with 6,000 new dwellings within the Newcastle City Centre;
- The new public transport gateway at Wickham will generate growth; and
- The existing network of on-road and off-road cycling and walking trails is to be expanded including providing enhanced access to natural areas.

3 Expected development and demand for transport and social infrastructure

3.3.2 Local Strategic Planning Statement

The City of Newcastle Local Strategic Planning Statement (LSPS) was adopted by Council in May 2020 and provides the direction for land use planning for the Newcastle LGA for the 20-year period from 2020 to 2040.

The LSPS contains a Structure Plan which identifies one greenfield release area (Housing Release Area) which are within the area subject to the Section 7.11 Western Corridor Local Infrastructure Contribution Plan. The Structure Plan also identifies several Urban Renewal Corridors and seven (7) Catalyst Areas with 6,650 new dwellings forecast across four (4) of these areas.

3.3.3 Forecast Residential Development

Based on the forecasts prepared by .id, it is estimated that 11,520 additional private dwellings will be constructed in the LGA from 2021 to 2036, although approximately 1,480 of these dwellings are expected to occur in the Western Corridor, which is not subject to this Plan (.id, 2021).

Accordingly, this Plan has been formulated on the basis that from 2021 to 2036, there will be approximately 10,040 additional private dwellings accommodating 18,285 new residents in those parts of the LGA to which this Plan applies.

Table 1 provides a summary of the estimated existing population and the forecast additional population subject to contributions under this Plan on a five yearly basis to 2036.

	Existing	Forecast Additional			Total Additional
	2021	2026	2031	2036	
Dwellings	68,285	3,770	3,180	3,090	10,040
Persons	155,185	6,860	5,795	5,630	18,285

Note:
A. All figures exclude the Western Corridor and persons in other residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing.

Table 2 provides a summary of the forecast growth including the anticipated average occupancy rate for future dwellings in this period.

Residential Dwelling Type	Occupancy Rate ^A	Dwellings	Persons
Dwelling House / Lot / Exhibition Home	2.65	500	1,330
Secondary Dwellings / Rural worker's dwelling	1.50	500	750
Residential Flat Buildings and Shop Top Housing with 1 bedroom / bedsit ^B	1.50	1,040	1,560
Residential Flat Buildings and Shop Top Housing with 2 bedrooms ^B	1.60	2,700	4,320
Residential Flat Buildings and Shop Top Housing with 3+ bedrooms ^B	1.95	415	810
Seniors Housing ^C	1.82	1,370	2,490
Attached dwellings, dual occupancy dwellings, multi-dwelling housing and semi-detached dwellings	2.00	3,515	7,025
Total		10,040	18,285

Notes:
A. Forecast average occupancies for new dwellings from 2021 to 2036.
B. Housing mix derived using 2016 Census data and an analysis of development approvals between 2017-2019, representing a unit mix of 25% one bedroom, 65% two bedroom and 10% three bedroom units.
C. Excluding residential care facilities and a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

3 Expected development and demand for transport and social infrastructure

In addition to the population in private dwellings, there is also anticipated to be additional population of approximately 1,350 persons within other residential accommodation such as residential care facilities, boarding houses, group homes, hostels, student housing and the like.

The forecast additional population in these other forms of residential accommodation has been excluded from the underlying calculations in this Plan although these other forms of residential accommodation may be subject to a levy pursuant to Council's s7.12 Contributions Plan.

3.4 Demand for public facilities and services

One of the fundamental principles of development contributions is the relationship, or 'nexus', between the expected types of development and the demonstrated demand for new, augmented or embellished transport and social infrastructure created by that development. Key aspects of determining nexus are:

- whether the anticipated development actually creates a demand or increases the demand for transport and social infrastructure;
- whether the estimates of demand for infrastructure to which the proposed development contribution relates are reasonable;
- what types of transport and social infrastructure will be required to meet that demand;
- whether the proposed development contribution is based on a reasonable apportionment between existing demand and new demand for transport and social infrastructure to be created by the proposed development to which the contribution relates;
- whether the proposed development contribution is based on a reasonable estimate of the cost of proposed transport and social infrastructure; and
- when facilities will be provided to meet the demand of the development – often expressed as timing or thresholds.

It is also necessary to ensure that new development only contributes to its share of the total demand for public facilities and services, rather than any demand generated by the existing population, which may result out of a deficiency in existing facilities. This is known as 'apportionment'.

The increased usage of and demand for new transport and social infrastructure as a consequence of future development will in most cases, exceed the capacity of existing public facilities in the LGA. Accordingly, it will be necessary for new and embellished transport and social infrastructure to be provided to cater for the anticipated demand of that development.

Section 4 of this Plan establishes the nexus between the anticipated development and the demand for additional or embellished transport and social infrastructure and if relevant, details how that nexus has been apportioned, to ensure that contributions reflect the demand of new development, rather than existing demand or past deficiencies.

4 Infrastructure contributions

4.1 Transport

4.1.1 Introduction

The forecast development within the LGA will generate additional demand for use of roads and related transport infrastructure by vehicular, bicycle and pedestrian traffic and this demand will require augmentation of existing facilities due to the additional pressures on those facilities. This section outlines the nature of the existing local road environment and the rationale for the augmentation of those facilities.

4.1.2 Existing provision and Nexus to development

The existing transport network comprises roads, on-road and off-road footpaths, shared paths and cycle lanes as well as supporting infrastructure such as traffic management devices, crossing facilities, signage and other street furniture. In addition, the LGA is serviced by numerous bus networks, many of which are on local roads, and these service hundreds of bus stops.

These transport networks are geographically extensive although do not necessarily provide an equitable level of accessibility and/or safety to all existing residents.

Furthermore, as the community moves toward more sustainable modes of transport, the existing transport networks and infrastructure will not be adequate to cater for the demand of an increased population.

Future development will be responsible for 18,285 additional residents in private dwellings which will increase demand for new and augmented traffic management, pedestrian and bicycle facilities and bus stop improvements that assist in providing a sustainable, safe, efficient and user friendly transport network.

Network improvements have been identified in Council's Cycling Plan and from consideration of Council's asset registers and the works schedule at **Appendix B** identifies network improvements which future development will be expected to contribute toward.

4.1.3 Strategy – proposed infrastructure

Council's strategies for addressing the additional demands placed on the local road environment by future development are as follows:

- Bus stop environment improvements comprising shelters, footpath connections and safe crossing points;
- Localised road works to facilitate on-road bicycle facilities and transitions to off-road facilities and related local traffic management measures; and
- Embellishment of footpaths and shared ways to cater for increased pedestrian and bicycle traffic.

The Works Schedule at **Appendix B** sets out all transport facilities for which a contribution is required under this Plan.

The location of the proposed facilities is identified on the maps at **Appendix C** to this Plan.

4.1.4 Apportionment

The forecast additional population to be levied under this Plan (18,285 persons) constitutes 10.46% of the total future population in the LGA (excluding the western corridor) at 2036 (174,815 persons). Accordingly, only 10.46% of the cost of transport improvements will be sought from development to be levied under this Plan.

4 Infrastructure contributions

4.1.5 Calculation of contribution rate

The formula for the calculation of the contribution rate for transport facilities is as follows:

$$\begin{aligned}
 \text{Contribution rate} &= \frac{\text{Total Cost of Facilities x Apportionment}}{\text{Total Additional Private Residents}} \\
 \text{per person} &= \frac{\$188,603,100 \times 10.46\%}{18,285 \text{ persons}} \\
 &= \frac{\$19,725,689}{18,285 \text{ persons}} \\
 &= \$1,078.87 \text{ per person}
 \end{aligned}$$

4 Infrastructure contributions

4.2 Open space and recreation facilities

The forecast development within the LGA will generate additional demand for local open space and recreation facilities and this demand will require additional open space and embellishment of existing facilities to cater for increased pressures on existing facilities.

4.2.1 Existing Facilities

As of 2021 there was approximately 1,168.5 hectares of Council-owned public open space in the LGA comprising:

- 63 sportsgrounds;
- 12 BMX/skate parks;
- 118 playspaces;
- 6 surf clubs;
- 6 beaches;
- 2 ocean baths; and
- 5 inland swimming pools.

Based on the 2021 residential population, the land containing this infrastructure equates to approximately 69.6m² per person. Whilst this quantum of open space land exceeds historical benchmarks typically used for public open space, it does not mean that the distribution and capacity of facilities within existing open space land are capable of meeting the demands of the existing and future populations.

4.2.2 Nexus to development

Based on the current standard of public open space provision in the LGA of 69.6m² per person, the forecast additional population in private dwellings of 18,285 persons would generate a demand for approximately 127 hectares of additional open space land. Alternatively, using the historical benchmark of 2.83 hectares per 1,000 persons, approximately 52 hectares of open space land would be required.

Furthermore, based on industry accepted benchmarks, the future population to be levied under this Plan would generate a demand for:

- 6 new sportsgrounds (each comprising 2 playing fields capable of being converted to an oval) - based on 1 sportsground per 3,000 persons with a minimum area of 3 hectares;
- 12 new playgrounds in local parks of approximately 1.5 hectares in area within 400m walking distance of all dwellings - based on 1 playground per 1,500 persons;
- 6 new sports courts - based on 1 multipurpose court per 3,000 persons;
- 1 new swimming centre - based on 1 centre per 17,500 persons;
- Approximately one third contribution to a new **leisure** centre - based on 1 **leisure** centre per 60,000 persons.

Alternatively, significant embellishment of existing facilities will be required to cater for additional usage from the forecast additional population.

The existing and future populations also generate a demand for high quality urban spaces in addition to traditional parks and sportsgrounds. This includes areas of the public domain in town centres and comprises, plazas, malls, street edges and the like.

4 Infrastructure contributions

4.2.3 Strategy – proposed infrastructure

Council recognises the significant cost of acquiring land for new open space to maintain the current quantitative level of service plus the cost of embellishing and maintaining this quantum of new open space. Accordingly, this Plan does not seek contributions from future development to acquire open space land commensurate with the current or historical benchmarks.

In accordance with adopted Council strategies, this Plan seeks:

- A 100% contribution toward embellishment of existing parks including additional and/or upgraded playgrounds;
- A 100% contribution toward embellishment of existing sportsgrounds and recreation facilities;
- A part contribution (10.46%) toward town centre public domain improvements to revitalise passive open spaces in urban settings;
- A part contribution (10.46%) toward Council's **Digital Infrastructure** to provide 21st technology in and around Council public places and spaces ; and
- A part contribution (10.46%) toward improvements to existing **leisure centres** and/or provision of a regional **leisure centre**.

The open space and recreation facilities are set out in the Works Schedule at **Appendix B** to this Plan and their location is identified on the maps at **Appendix C**.

4.2.4 Apportionment

The parks and sportsground embellishment proposed under this Plan have been identified to cater for the demand of future development from 2021 to 2036 and accordingly, the full cost of these works will be borne by private dwelling development over that period.

The remaining infrastructure is required for all residents and accordingly, the forecast additional population to be levied under this Plan (18,285 persons) will only be required to contribute its share of the cost of those items, based on the forecast additional population being 10.46% of the total future population in the LGA (excluding the western corridor) at 2036 (174,815 persons).

4.2.5 Calculation of Contribution Rate

The formula for the calculation of the contribution rate for open space and recreation facilities is as follows:

$$\begin{aligned}
 \text{Contribution rate per person} &= \frac{\text{Cost of Full Demand Facilities} + \text{Cost of Shared Demand Facilities} \times 10.46\%}{\text{Total Additional Private Residents}} \\
 &= \frac{\$71,550,000 + \$126,355,572 \times 10.46\%}{18,285 \text{ persons}} \\
 &= \frac{\$84,765,322}{18,285 \text{ persons}} \\
 &= \$4,636.14 \text{ per person}
 \end{aligned}$$

4 Infrastructure contributions

4.3 Community facilities

The forecast development within the LGA will generate additional demand for community facilities and this demand will require additional community facilities and upgrading of existing facilities.

4.3.1 Existing Facilities

Libraries

There are 11 Council-owned libraries within the LGA including two flagship libraries, eight branch libraries and one digital library.

Collectively, these facilities provide 4,725m² of library floor space although several local libraries (Stockton and Lambton) do not meet the minimum floor area recommended in *The People Places– A Guide for Public Library Buildings in New South Wales* (State Library NSW, 2012).

In addition, 60% of libraries are less than 300m² which limits their ability to be flexible and multipurpose spaces.

Community Spaces

There are 20 Council-owned community spaces within the LGA including nine community centres, six community halls, three senior citizen centres, one youth centre and one meals-on-wheels centre. Of these spaces, 17 facilities serve a local function and 3 facilities can be described as serving a district level function.

Collectively, these facilities provide 6,395m² of community floor space although this is not evenly distributed across the LGA with none in the Stockton area.

In addition 23% of the local facilities are less than 150m² in floor area and 88% are less than 350m². Accordingly, only two facilities exceed the minimum of 400m² which might be anticipated for a quality local facility.

Furthermore, only one of the district facilities exceeds the 800m² floorspace that might be expected of a quality district facility.

Cultural Spaces

There are 44 cultural spaces in the LGA, of which seven are Council-owned and these are all metropolitan or district facilities, with all located in or nearby the city centre and none are local facilities.

4.3.2 Nexus to development

Future development will be responsible for 18,285 new residents in private dwellings from 2021 to 2036. This additional population will generate additional demand for community facilities such as community halls, meeting rooms, cultural facilities and libraries including upgrading of existing facilities to cater for additional capacity or to enable a wider variety of activities to be undertaken. The following subsections outline the nexus between this forecast additional population and the facilities for which contributions will be sought through this Plan.

Libraries

Whilst the number of existing libraries meets the requirements using the State Library guidelines, the floor area provided and the manner in which floorspace is provided do not currently meet the requirements.

Based on the State Library NSW floorspace calculator, the additional future population from 2021 to 2036 will generate a demand for an additional 1,105m² of library floorspace.

Community Spaces

The existing community spaces provide for approximately 37m² of community floorspace per 1,000 persons as of 2021. This is well below the benchmark of 80m² per 1,000 persons adopted by other major metropolitan areas such as the City of Parramatta LGA.

4 Infrastructure contributions

Based on this standard, the forecast additional population in private dwellings of 18,285 persons between 2021 and 2036 will require an additional 1,463m² of community floorspace.

Furthermore, based on standards of provision of one district facility per 30-50,000 persons and one local facility per 10,000 persons, the floorspace requirements of the future population might be met by the provision of two new local facilities and a part contribution to a new district facility and/or embellishment of existing local and district facilities.

Cultural Spaces

Based on a benchmark of 20m² of cultural floorspace per 1,000 persons (adopted from Wollongong Social Infrastructure Planning Framework 2018- 2028) the forecast additional population in private dwellings of 18,285 persons between 2021 and 2036 will require an additional 366m² of cultural community floorspace.

4.3.3 Strategy – proposed infrastructure

Council has assessed that the additional population from 2021 to 2036 will generate a demand for the following community facilities, for which contributions will be sought under this Plan:

- Libraries – 1,105m² of library floorspace to be met by provision within a new library (which may be part of a new multipurpose community hub) and/or embellishment of existing libraries;
- Community Spaces - 1,463m² of community floorspace to be met by provision within new multipurpose community hub/s and/or embellishment of existing community spaces;
- Cultural Spaces - 366m² of cultural floorspace to be met by provision within new buildings (which may be part of new multipurpose community hub/s) and/or embellishment of existing facilities.

The Works Schedule at **Appendix B** sets out all community facilities for which a contribution is required under this Plan.

The location of the proposed facilities is identified on the maps at **Appendix C** to this Plan.

4.3.4 Apportionment

The community facilities outlined above are specifically to cater for the demands of future development from 2021 to 2036 and accordingly, the full cost of the infrastructure will be borne by private dwelling development over that period.

4.3.5 Calculation of Contribution Rate

The formula for the calculation of the contribution rate for community facilities is as follows:

$$\begin{aligned}
 \text{Contribution rate per person} &= \frac{\text{Total Cost of Facilities} \times 100\%}{\text{Total Additional Private Residents}} \\
 &= \frac{\$15,681,000}{18,285 \text{ persons}} \\
 &= \$857.65 \text{ per person}
 \end{aligned}$$

4 Infrastructure contributions

4.4 Plan Preparation and Administration

4.4.1 Introduction

In accordance with the Act, Council is authorised to recoup the reasonable costs of preparing this Plan and the cost, or part there-of, of any studies specifically prepared to inform the Plan. In addition, contributions may be sought toward the costs associated with the ongoing administration of the Plan.

4.4.2 Nexus to Development

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

4.4.3 Strategy

The proposed costs associated with this category of contributions comprises:

- The costs associated with preparing the Plan; and
- Ongoing administration and management of the Plan over a 15-year period.

4.4.4 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.

4.4.5 Calculation of Contribution Rate

The formula for the calculation of the contribution rate for plan preparation and administration is as follows:

$$\begin{aligned}
 \text{Contribution rate} &= \frac{\text{Total Cost of Plan Preparation and Administration}}{\text{Total Additional Private Residents}} \\
 \text{per person} &= \frac{\$3,000,000}{18,285 \text{ persons}} \\
 &= \$164.08 \text{ per person}
 \end{aligned}$$

Appendix A - Glossary

Terms used in this Plan have the following meanings except where the meaning of a term is inconsistent with the Act or the *Standard Instrument—Principal Local Environmental Plan (SILEP)*, in which case the definition in the Act or SILEP will prevail:

“**ABS**” means the Australian Bureau of Statistics.

“**Act**” means the *Environmental Planning and Assessment Act 1979*.

“**affordable housing**” means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

“**applicant**” means the person(s) or organisation(s) submitting a development application.

“**apportionment**” means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.

“**attached dwelling**” means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

“**backpackers’ accommodation**” means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room);

“**bed and breakfast accommodation**” means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and
- (c) dormitory-style accommodation is not provided;

“**boarding house**” means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment;

“**Consumer Price Index (CPI)**” is a standard measure of price movements published by the Australian Bureau of Statistics.

“**contribution**” means the same as “**development contribution**”;

“**contributions plan**” means a contributions plan referred to in the Act.

“**Council**” means Newcastle City Council

“**DCP**” means a Development Control Plan adopted by Council under the Act.

Appendix A - Glossary

“**development**” has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing that may be controlled by an environmental planning instrument.

“**development consent**” means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

“**development contribution**” means the making of a monetary contribution, dedication of land or the providing of a material public benefit (including a work-in-kind), or any combination of these as referred to in the Act for the provision of transport and social infrastructure;

“**dual occupancy**” means a dual occupancy (attached) or a dual occupancy (detached).

“**dual occupancy (attached)**” means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

“**dual occupancy (detached)**” means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

“**dwelling**” means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

“**dwelling house**” means a building containing only one dwelling;

“**eco-tourist facility**” means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

“**educational establishment**” means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act;

“**exhibition home**” means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

“**GFA**” means the same as gross floor area.

“**gross floor area**” means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (j) the area of a mezzanine, and
- (k) habitable rooms in a basement or an attic, and
- (l) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

Appendix A - Glossary

- (m) any area for common vertical circulation, such as lifts and stairs, and
- (n) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (o) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (p) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (q) any space used for the loading or unloading of goods (including access to it), and
- (r) terraces and balconies with outer walls less than 1.4 metres high, and
- (s) voids above a floor at the level of a storey or storey above.

“group home” means a permanent group home or a transitional group home;

“group home (permanent)” or **“permanent group home”** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies;

“group home (transitional)” or **“transitional group home”** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies;

“hospital” means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries;

Appendix A - Glossary

“**hostel**” means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis;

“**hotel or motel accommodation**” means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation;

“**LEP**” means a Local Environmental Plan made by the Minister under the Act.

“**LGA**” means Local Government Area.

“**material public benefit**” means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

“**Minister**” means the Minister administering the *Environmental Planning and Assessment Act 1979*.

“**moveable dwelling**” means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

“**multi dwelling housing**” means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building

“**planning agreement**” means a planning agreement referred to in the Act.

“**public infrastructure**” means:

- (a) public amenities and public services, and
- (b) affordable housing, and
- (c) transport infrastructure,

but does not include water supply or sewerage services.

“**Regulation**” means the *Environmental Planning and Assessment Regulation 2000*.

“**Residential accommodation**” means a building or place used predominantly as a place of residence, including:

- attached dwellings;
- boarding houses;
- dual occupancies;
- dwelling houses;
- group homes;
- hostels;
- multi dwelling housing;

Appendix A - Glossary

- residential flat buildings;
- rural worker's dwellings;
- secondary dwellings
- semi-detached dwellings;
- seniors housing; and
- shop top housing;

but does not include tourist and visitor accommodation or caravan parks.

“residential care facility” means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility;

“residential flat building” means a building containing 3 or more dwellings, but does not include an attached dwelling or multi-dwelling housing

“rural workers dwelling” means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land

“secondary dwelling” means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

“semi-detached dwelling” means a dwelling that is on its own lot of land and is attached to only one other dwelling.

“seniors housing” means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of Clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital;

“serviced apartment” means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

“shop top housing” means one or more dwellings located above ground floor retail premises or business premises.

Appendix A - Glossary

“**SILEP**” means the *Standard Instrument—Principal Local Environmental Plan*.

“**social housing provider**” means a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* which, at the date of adoption of this Plan included:

- (t) the New South Wales Land and Housing Corporation,
- (u) the Department of Housing,
- (v) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (w) the Aboriginal Housing Office,
- (x) a registered Aboriginal housing organisation within the meaning of the [Aboriginal Housing Act 1998](#),
- (y) the Department of Ageing, Disability and Home Care,
- (z) a local government authority that provides affordable housing,
- (aa) a not-for-profit organisation that is a direct provider of rental housing to tenants.

“**social infrastructure**” means public amenities and public services, but does not include water supply or sewerage services.

“**student housing**” means a building that:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

“**tourist and visitor accommodation**” means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

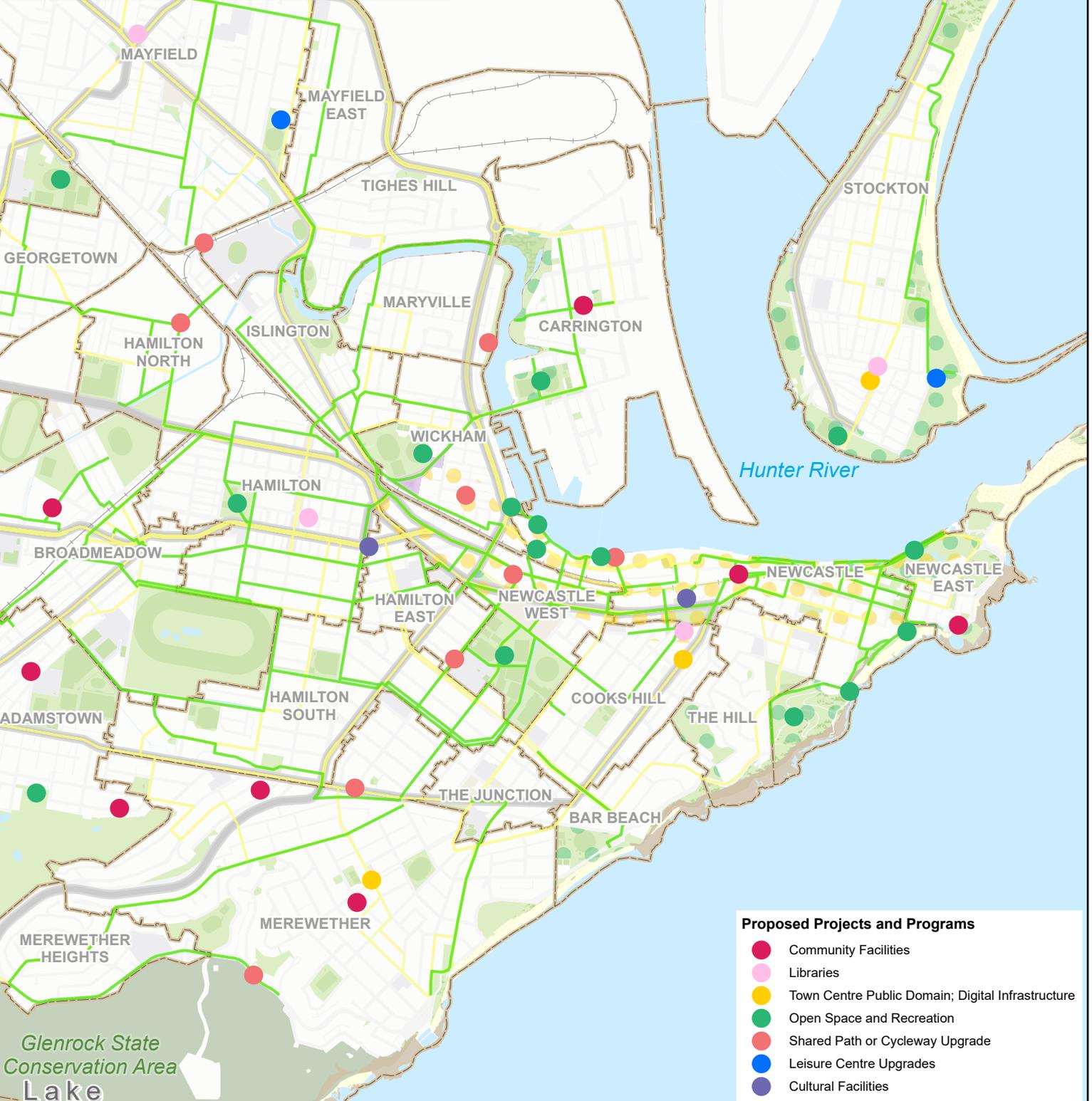
- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

“**work-in-kind**” means the carrying out of work which is identified in the costed works schedule which form part of this Plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution.

Appendix B – Works Schedule

Facility Ref	Description	Land Acquisition Cost	Capital Cost	Total Facility Cost	Grant Funding	Cost attributable to New Development	Cost to be met by Council / Others	Timing / Priority
Transport								
TT-001	Cycleway network	\$12,003,310	\$91,100,000	\$103,103,100	-	\$10,783,384	\$92,319,716	2021-36
TT-002	Pedestrian accessibility and mobility network	-	\$52,500,000	\$52,500,000	-	\$5,490,889	\$47,009,111	2021-36
TT-003	Local Area Traffic Management works	-	\$30,000,000	\$30,000,000	-	\$3,137,651	\$26,862,349	2021-36
TT-004	Bus shelters	-	\$3,000,000	\$3,000,000	-	\$313,765	\$2,686,235	2021-36
	Sub-total	\$12,003,310	\$176,600,000	\$188,603,100	-	\$19,725,689	\$168,877,411	-
Open Space and Recreation								
OSR-001	Parks & playgrounds network embellishment	-	\$58,050,000	\$58,050,000	-	\$58,050,000	-	2021-36
OSR-002	Sporting grounds and recreation facilities network improvements	-	\$15,000,000	\$15,000,000	\$1,500,000	\$13,500,000	-	2021-36
OSR-003	Town centres public domain improvements	-	\$56,855,572	\$56,855,572	-	\$5,946,431	\$50,909,141	2021-36
OSR-004	Digital infrastructure	-	\$13,500,000	\$13,500,000	-	\$1,411,943	\$12,088,057	2021-36
OSR-005	Leisure centre infrastructure	-	\$56,000,000	\$56,000,000	-	\$5,856,948	\$50,143,052	2021-36
	Sub-total	-	\$199,405,572	\$199,405,572	\$1,500,000	\$84,765,322	\$113,140,250	-
Community facilities								
CF-001	New library floorspace and/or embellishment	-	\$6,353,750	\$6,353,750	-	\$6,353,750	-	2021-36
CF-002	New community space floorspace and/or embellishment	-	\$8,412,250	\$8,412,250	-	\$8,412,250	-	2021-36
CF-003	New cultural space floorspace and/or embellishment	-	\$915,000	\$915,000	-	\$915,000	-	2021-36
	Sub-total	-	\$15,681,000	\$15,681,000	-	\$15,681,000	-	-
Plan Preparation and Administration								
PA-001	Plan preparation and administration	-	\$3,000,000	\$3,000,000	-	\$3,000,000	-	2021-36
	Sub-total	-	\$3,000,000	\$3,000,000	-	\$3,000,000	-	-
	TOTAL	\$12,003,100	\$394,686,572	\$406,689,672	\$1,500,000	\$123,172,012	\$282,017,660	

Appendix C – Maps of Infrastructure Locations

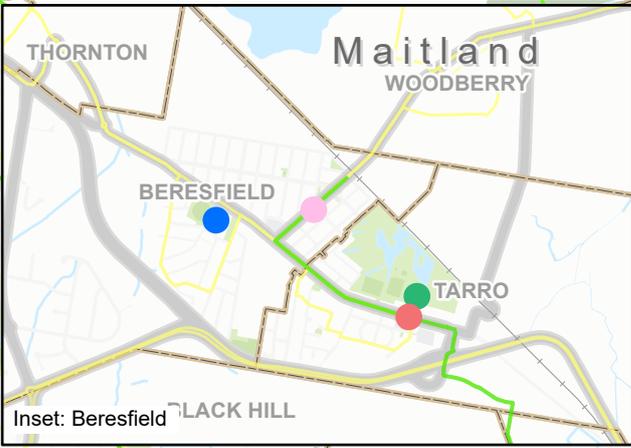
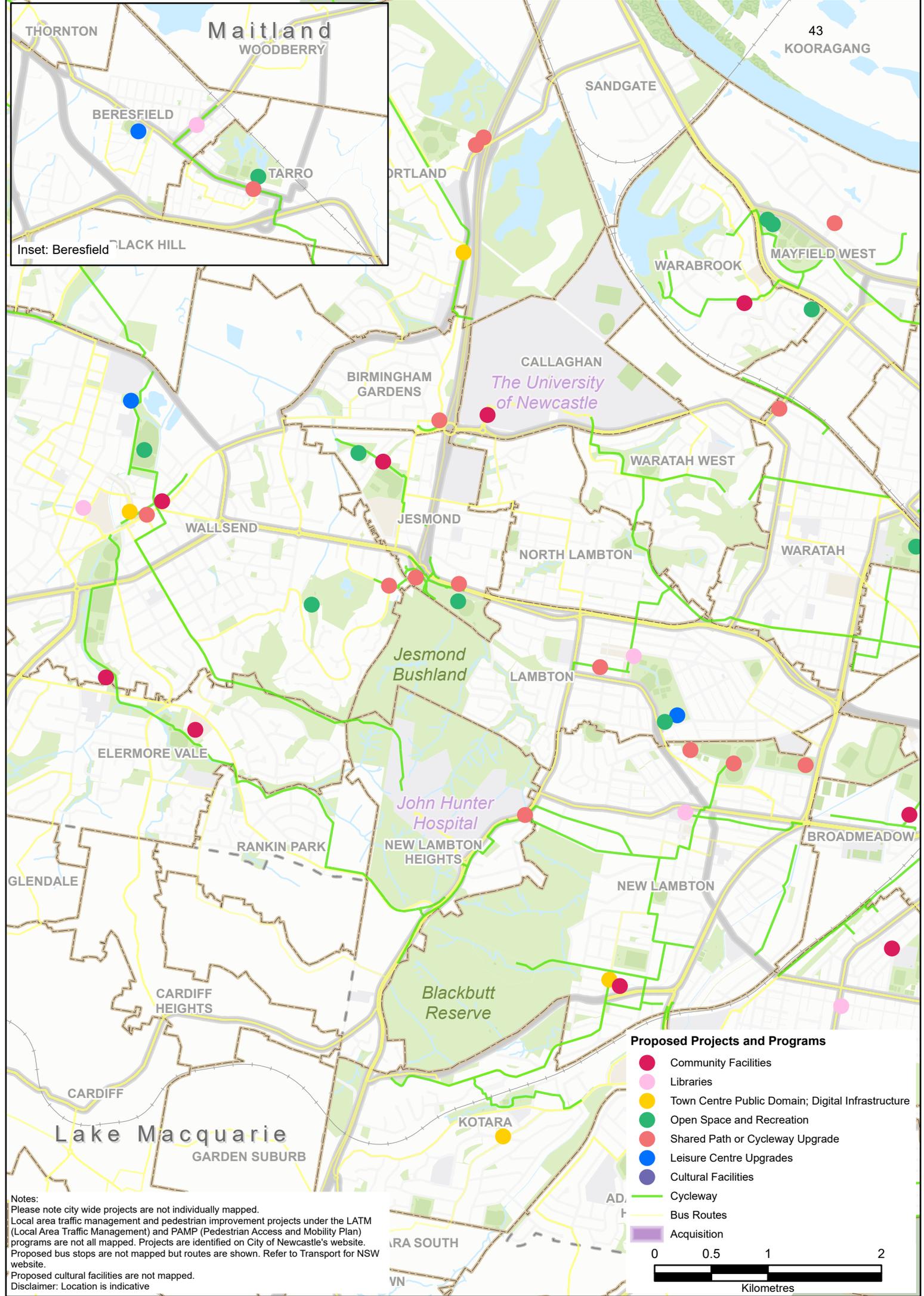


Proposed Projects and Programs

- Community Facilities
- Libraries
- Town Centre Public Domain; Digital Infrastructure
- Open Space and Recreation
- Shared Path or Cycleway Upgrade
- Leisure Centre Upgrades
- Cultural Facilities
- Cycleway
- Bus Routes
- Acquisition

0 0.5 1 2
 Kilometres

Notes:
 Please note city wide projects are not individually mapped.
 Local area traffic management and pedestrian improvement projects under the LATM (Local Area Traffic Management) and PAMP (Pedestrian Access and Mobility Plan) programs are not all mapped. Projects are identified on City of Newcastle's website.
 Proposed bus stops are not mapped but routes are shown. Refer to Transport for NSW website.
 Proposed cultural facilities are not mapped.
 Disclaimer: Location is indicative



Inset: Beresfield

Notes:
 Please note city wide projects are not individually mapped.
 Local area traffic management and pedestrian improvement projects under the LATM (Local Area Traffic Management) and PAMP (Pedestrian Access and Mobility Plan) programs are not all mapped. Projects are identified on City of Newcastle's website.
 Proposed bus stops are not mapped but routes are shown. Refer to Transport for NSW website.
 Proposed cultural facilities are not mapped.
 Disclaimer: Location is indicative

Proposed Projects and Programs

- Community Facilities
- Libraries
- Town Centre Public Domain; Digital Infrastructure
- Open Space and Recreation
- Shared Path or Cycleway Upgrade
- Leisure Centre Upgrades
- Cultural Facilities
- Cycleway
- Bus Routes
- Acquisition

0 0.5 1 2
 Kilometres

Appendix D – Pro forma Condition of Consent

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for transport and social infrastructure resulting from the development:

Description	Contribution (\$)
Transport	\$
Open Space and Recreation	\$
Community Facilities	\$
Plan Preparation and Administration	\$
TOTAL	\$

- (b) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment

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

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this development consent.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.newcastle.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix E – Pro forma CDC Condition

- (a) In accordance with Section 4.28(6) of the *Environmental Planning and Assessment Act 1979* and the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for transport and social infrastructure resulting from the development:

Description	Contribution (\$)
Transport	\$
Open Space and Recreation	\$
Community Facilities	\$
Plan Preparation and Administration	\$
TOTAL	\$

- (b) If the contributions are not paid within the financial quarter that this complying development certificate is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{CDC} \times \text{CPI}_{PY}}{\text{CPI}_{CDC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment.

\\$C_{CDC} is the amount of the contribution as set out in this Complying Development Certificate.

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{CDC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Complying Development Certificate.

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the works commencing where the development requires building works;
 - (ii) prior to occupation or the issue of an occupation certificate, whichever occurs first, where no works are required.

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

Council's Plan may be viewed at www.newcastle.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix F – References

The following legislation, plans and policies, studies, technical guides and other information have been used to formulate the contents of the Plan:

- Australian Bureau of Statistics (2016a). Census Data
- City of Newcastle (2012a). Cathedral Park Masterplan
- City of Newcastle (2012b). National Park Plan of Management
- City of Newcastle (2012c). Newcastle Development Control Plan 2012
- City of Newcastle (2012d). South Stockton Reserves Public Domain Plan
- City of Newcastle (2014). Parkland and Recreation Strategy (reviewed 2017)
- City of Newcastle (2015a). Foreshore Plan of Management 2015
- City of Newcastle (2015b). Merewether Beach Reserves Public Domain Plan
- City of Newcastle (2016). Bathers Way Public Domain Plan
- City of Newcastle (2017a). Beresfield Local Centre Public Domain Plan and Traffic Plan
- City of Newcastle (2017b). Smart City Strategy
- City of Newcastle (2017c). Stockton Public Domain Plan and Traffic Plan
- City of Newcastle (2017d). Wickham Master Plan
- City of Newcastle (2019a). Dogs in Open Space Plan
- City of Newcastle (2019b). The Library Strategy
- City of Newcastle (2019c). Stevenson Park Masterplan
- City of Newcastle (2020a). Carrington Greenspace Masterplan
- City of Newcastle (2020b). Fern Bay and North Stockton Strategy
- City of Newcastle (2020c). Local Strategic Planning Statement
- City of Newcastle (2020d). Newcastle Cycling Plan
- City of Newcastle (2020e). Newcastle Local Housing Strategy (updated 2021)
- City of Newcastle (2020f). Strategic Sports Plan
- City of Newcastle (2021). Draft Gregson Park Masterplan
- Department of Planning (2005). Development Contributions Practice Notes
- Department of Planning (2009). Draft Local Development Contributions Guidelines
- Department of Planning, Infrastructure and Environment (2016). Hunter Regional Plan 2036
- Department of Urban Affairs & Planning (1997). The Section 94 Contributions Manual
- Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000*
- .id the population experts (2020). City of Newcastle Forecasts, <http://forecast.id.com.au/newcastle>
- Library Council of NSW (2005). People Places – A Guide for Public Library Building in New South Wales
- Newcastle Local Environmental Plan 2012*

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 26/10/2021 - ADOPTION OF DEVELOPMENT CONTRIBUTIONS
FRAMEWORK**

ITEM-102 Attachment B: Section 7.12 Development Contributions Plan

DISTRIBUTED UNDER SEPARATE COVER

Section 7.12 Development Contributions Plan



Acknowledgment

City of Newcastle acknowledges that we operate on the grounds of the traditional country of the Awabakal and Worimi peoples.

We recognise and respect their cultural heritage, beliefs and continuing relationship with the land and waters, and that they are the proud survivors of more than two hundred years of dispossession.

City of Newcastle reiterates its commitment to address disadvantages and attain justice for Aboriginal and Torres Strait Islander peoples of this community.

This Section 7.12 Development Contributions Plan has been prepared by DFP Planning Pty Ltd



planning consultants

in association with the City of Newcastle

Enquiries

For information contact

City of Newcastle

Phone 4974 2000

Published by

City of Newcastle

PO Box 489, Newcastle NSW 2300

Phone 4974 2000 Fax 4974 2222

mail@ncc.nsw.gov.au

newcastle.nsw.gov.au

© 2021 City of Newcastle

Contents

Executive Summary	iii
1 Introduction	1
1.1 Name of this Plan	1
1.2 Commencement of this Plan	1
1.3 Purpose and Objectives of this Plan	1
1.4 Land to which the Plan applies	1
1.5 Development to which this Plan applies	1
1.6 Exemptions and Reductions	4
1.7 Operation Period of the Plan	5
1.8 Structure of this Plan	5
1.9 Glossary	5
1.10 Relationship with other plans, reports and policies	5
1.11 Savings and transitional arrangements	5
2 Administration of the Plan	7
2.1 Scope of this Plan	7
2.2 Types of transport and social infrastructure addressed by this Plan	7
2.3 How will contributions be imposed?	7
2.4 How will the levy be calculated?	7
2.5 Methods of payment	8
2.6 Timing of payments	8
2.7 Indexation of contributions	10
2.8 Accounting and management of funds	10
3 Forecast development and demand for transport and social infrastructure	13
3.1 Strategic Context	13
3.2 Forecast Development	13
3.3 Demand for public facilities and services	14
Appendix A - Glossary	15
Appendix B – Works Schedule	18
Appendix C – Maps of Infrastructure Locations	19
Appendix D – Pro forma Condition of Consent	22
Appendix E – Pro forma CDC Condition	23
Appendix F – Cost of Development Calculation	24
Appendix G – References	27

Contents

Figures

Figure 1	Land Application Map – City of Newcastle LGA	2
Figure 2	Land Application Map – Newcastle City Centre	3
Figure 3	Land subject to the Deed of Agreement with the HCCDC	11

Tables

E1	Summary of Contribution Rates	iii
----	-------------------------------	-----

Abbreviations

ABS	Australian Bureau of Statistics
CC	construction certificate
CDC	complying development certificate
Council	Newcastle City Council
DA	development application
DCP	development control plan
DPIE	NSW Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GFA	gross floor area
HCCDC	Hunter and Central Coast Development Corporation
LEP	local environmental plan
LGA	local government area
LSPS	Local Strategic Planning Statement
PA	planning agreement
SC	Subdivision Certificate
SEPP	state environmental planning policy

Executive Summary

Purpose and Objectives of the Plan

This Plan is the **City of Newcastle Section 7.12 Development Contributions Plan** and has been prepared to satisfy the requirements of the *Environmental Planning and Assessment Act, 1979* and *Environmental Planning and Assessment Regulation 2000*, enabling Council or an accredited certifier to levy contributions from development for the provision of transport and social infrastructure.

This Plan will assist in the provision of adequate transport and social infrastructure for future development and ensure that the existing community is not burdened by the costs of transport and social infrastructure required as a result of future development. In addition, this Plan provides the administrative framework for the collection, expenditure, accounting and review of development contributions on a reasonable basis. In this way, the Plan provides for public and financial accountability.

Nature of future development

Between 2021 and 2036, there is forecast to be approximately 23,740 additional residents in the City of Newcastle Local Government Area (LGA) accommodated within 11,520 private dwellings and other residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing.

There is also estimated to be an increase in non-residential development over this 15-year period comprising approximately 78,500m² of retail floor space, approximately 212,500m² of other commercial floor space and approximately 121,000m² of industrial floor space.

This future development will require new, extended or augmented transport and social infrastructure.

Life of the Plan

The Plan caters for a planning period from 2021 to 2036 with this period generally aligning with various NSW State Government and Council strategies and being within the horizon of residential and employment forecasts utilised by Council for planning and infrastructure purposes.

The levy payable under this Plan will be indexed between the date of determination and the date of payment of the contribution. Furthermore, the cost of development used to determine the levy under this Plan will be indexed from the date of the cost estimate to the date of determination.

Other funding sources

Contributions sought by this Plan may only partially fund transport and social infrastructure listed in this Plan. Council will draw upon other funding sources (including contributions under Council's Section 7.11 Contributions Plan) to meet the residual costs to deliver such infrastructure.

Summary of contribution rates

Table E1: Summary of Contribution Rates		
Type of Development	Levy as % of development costs	
	Newcastle City Centre	Rest of LGA
Non-residential development, including alterations and additions.	0% for development up to and including \$100,000	
Mixed residential and non-residential development where the residential component comprises less than 10% of the total gross floor area.	0% for residential development more than \$100,000, up to and including \$200,000	
Residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing.	0.5% for non-residential development more than \$100,000, up to and including \$200,000	1% for all developments more than \$200,000
Alterations and additions to residential accommodation.	1% for residential alterations and additions more than \$200,000	
See Sections 1.5 and 1.6 for further details	1% for development more than \$200,000, up to and including \$250,000	
	3% for development more than \$250,000	

Executive Summary

Works schedule

Contributions sought through this Plan will be used to fund, in part or in full, the transport and social infrastructure set out in the Schedule of Works at **Appendix B**.

1 Introduction

1.1 Name of this Plan

This Plan is the **City of Newcastle Section 7.12 Development Contributions Plan** (the “Plan”).

1.2 Commencement of this Plan

This Plan has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and takes effect from **1 January 2022**, being the date specified in the public notice, published pursuant to the Regulation.

1.3 Purpose and Objectives of this Plan

This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to levy contributions from development for the provision of transport and social infrastructure.

In accordance with the Act and Regulation, this Plan authorises a consent authority to impose a condition requiring the payment of a levy, even though there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition. Accordingly, the objectives of this Plan are to:

- (a) authorise Council or an accredited certifier to impose a condition of consent requiring the payment of a monetary contribution when granting consent to development on land to which this Plan applies, including Complying Development;
- (b) assist Council to provide the appropriate transport and social infrastructure required to maintain and enhance amenity and service delivery within the area;
- (c) ensure that the existing community is not burdened by the provision of transport and social infrastructure required as a result of future development; and
- (d) enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

1.4 Land to which the Plan applies

This Plan applies to all land within the City of Newcastle LGA shown on the Map (see **Figure 1**) including land within the Newcastle City Centre (see **Figure 2**).

1.5 Development to which this Plan applies

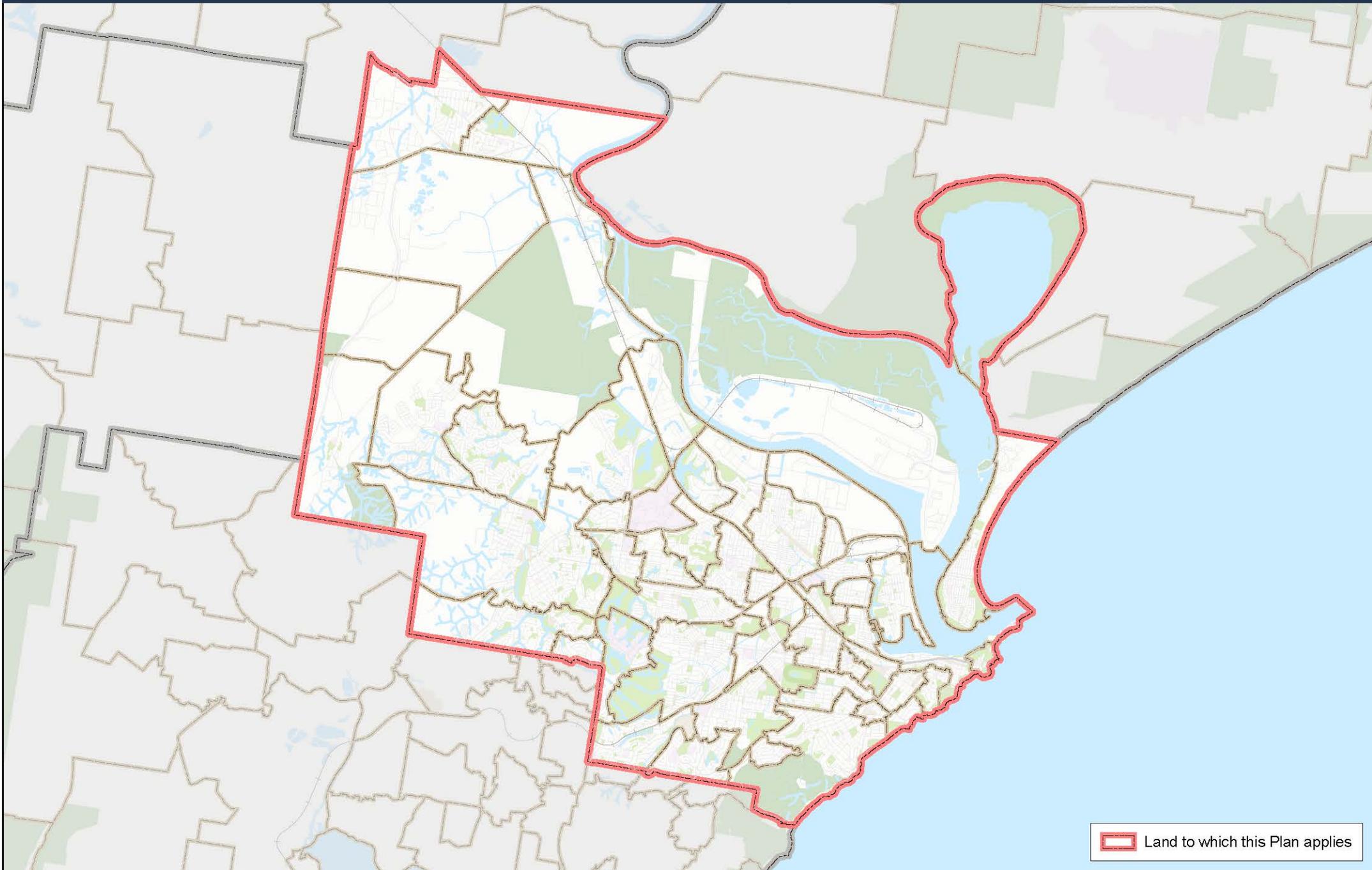
This Plan applies to:

- Non-residential development, including alterations and additions;
- Mixed residential and non-residential development where the residential component comprises less than 10% of the total gross floor area;
- Residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing; and
- Alterations and additions to residential accommodation greater than \$200,000.

However, this Plan does not apply to development where the proposed cost of carrying out the development is \$100,000 or less or where an exemption is provided for by this Plan or by a prevailing Ministerial Direction (see **Section 1.6**).

Appendix F – Cost of Development Calculation details the manner in which the cost of carrying out development must be calculated.

Figure 1 - Land Application Map - City of Newcastle LGA



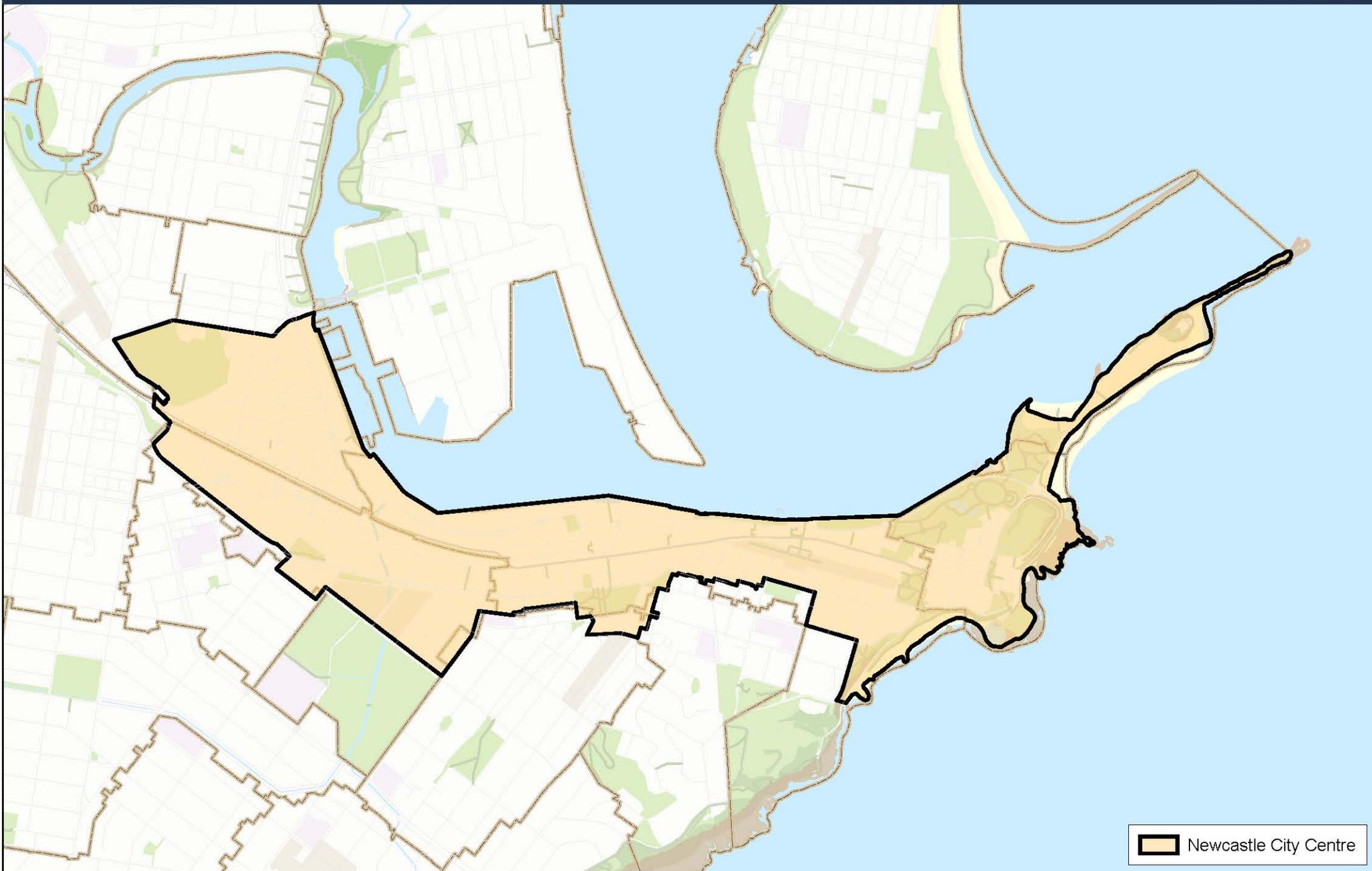
DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. City of Newcastle accepts no responsibility for any misprints, errors, omissions or inaccuracies in these documents/maps or for loss or damages resulting from reliance on any information provided

0 1.5 3 6
Kilometres

Scale: 1:120,000 at A4



Figure 2 - Land Application Map - Newcastle City Centre



 Newcastle City Centre

DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. City of Newcastle accepts no responsibility for any misprints, errors, omissions or inaccuracies in these documents/maps or for loss or damages resulting from reliance on any information provided



Scale: 1:20,000 at A4



1 Introduction

1.6 Exemptions and Reductions

Council will provide an exemption from, or reduction to, contributions required by this Plan as follows:

1. When directed to do so by the [Minister](#). At the date of commencement of this Plan, the prevailing Directions included the following relevant to the Newcastle LGA:
 - No contributions for 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*;
 - No contributions for an application determined by the City of Newcastle (or delegate) or accredited certifier for development on land within the 'Port of Newcastle Lease Area' as shown on the relevant Map within *State Environmental Planning Policy (Three Ports) 2013*;
 - No contribution for development that has been the subject of a condition requiring monetary contributions under a previous development consent relating to the subdivision of the land on which the development is to be carried out, unless that development will, or is likely to, increase the demand for public amenities or public services beyond the demand attributable to the initial subdivision.
2. No contribution in respect of development applications (or modifications thereto) made by or on behalf of the Council for infrastructure including, but not limited to, libraries, community facilities, child care facilities, recreational areas or facilities, **waste resource facilities**, car parks or the like;
3. No contribution for the cost of remediation and grouting of land affected by mine subsidence (NB: such costs will be excluded from the total cost of development where development involves works additional to remediation and grouting of land affected by mine subsidence);
4. No contribution where the Applicant is a charity demonstrated by submission of any of the following prior to determination of the application:
 - A Certificate of Registration with the Australian Charities and Not-for-Profit Commission; or
 - A Notice of Endorsement as a Deductible Gift Recipient, issued by the Australian Taxation Office (ATO); or
 - A Notice of Endorsement for Charity Tax Concessions, issued by the ATO.
5. No contribution for the following forms of residential accommodation (except alterations and additions which exceed \$200,000 or where such accommodation forms less than 10% of the total gross floor area of a mixed used development), although these forms of accommodation may attract a contribution under Council's s7.11 Contributions Plan:
 - Attached dwellings;
 - Dual occupancies;
 - Dwelling houses;
 - Multi dwelling housing;
 - Residential flat buildings;
 - Rural worker's dwellings;
 - Secondary dwellings
 - Semi-detached dwellings;
 - Seniors housing (except residential care facilities); and
 - Shop top housing.
6. No contribution for alterations and additions to residential accommodation where the cost of carrying out the development is equal to or less than \$200,000, unless **that** development creates additional dwelling units, in which case, a contribution under Council's s7.11 Contributions Plan may apply.

1 Introduction

Council does not apply discounts to the payment of development contributions unless otherwise stated in this Plan.

Appendix F – Cost of Development Calculation details how the cost of carrying out development must be calculated and excludes certain works such as the cost of providing affordable housing.

1.7 Operation Period of the Plan

The Plan is intended to cater for a planning period 2021 to 2036 with this period generally aligning with various NSW State Government and Council strategies and being within the horizon of residential and employment forecasts utilised by Council for planning and infrastructure purposes.

The Plan will be monitored and if necessary, the works schedule may be amended to account for infrastructure works that have been delivered or for which there has been a change in the estimated costs or timing.

1.8 Structure of this Plan

This Plan has three sections:

Section 1 – Introduction (this section), identifies the name of the Plan, its commencement date, the purpose, aims and objectives of the Plan, the land and forms of development to which the Plan applies and the Plan's relationship to other plans, reports and policies.

Section 2 – Administration and operation of the Plan, outlines the types of transport and social infrastructure addressed by the Plan, describes how and when contributions are to be made and provides details regarding the ongoing management of the Plan.

Section 3 – Forecast Development and Demand for Social Infrastructure, outlines the residential and employment generating development forecast to occur during the life of this Plan and the plans, strategies and other documents that have been drawn upon to compile the works schedule for this Plan.

The **Appendices** to this Plan include a Glossary which explains the meaning of words and terms used in this Plan, a Works Schedule, maps showing the location of facilities, pro-forma conditions for development consents and Complying Development Certificates, procedures for determining the cost of development and a list of References including the plans, policies and other information which support the contents of the Plan.

1.9 Glossary

The meanings of key words and terms used in this Plan are contained in the Glossary at **Appendix A**.

1.10 Relationship with other plans, reports and policies

If a contribution is required under the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036 or the Section 7.11 Western Corridor Local Infrastructure Contribution Plan, a contribution will not be imposed under this Plan.

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

1.11 Savings and transitional arrangements

If a development application or application for a Complying Development Certificate has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the provisions of this Plan.

1 Introduction

If a modification application pursuant to s4.55 or s4.56 of the Act has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the contributions plan that applied at the date that the original development consent was granted.

2 Administration of the Plan

2.1 Scope of this Plan

Between 2021 and 2036, there is forecast to be approximately 23,740 additional residents in the City of Newcastle Local Government Area (LGA) accommodated within 11,520 private dwellings and other residential accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing.

There is also estimated to be an increase in non-residential, employment-generating floor space over this 15-year period comprising approximately 78,500m² of retail floor space, approximately 212,500m² of other commercial floor space and approximately 121,000m² of industrial floor space.

This future development in the LGA will create a demand for new, enhanced or augmented transport and social infrastructure.

This Plan sets out the range of transport and social infrastructure considered necessary to cater for this demand and how development levied under this Plan will be required to contribute to the cost of this infrastructure.

2.2 Types of transport and social infrastructure addressed by this Plan

Under this Plan, Council will require development contributions for the following transport and social infrastructure:

- road, footpath and cycling infrastructure;
- traffic management facilities;
- public domain improvements including public art;
- public open space and associated landscaping;
- recreation facilities;
- libraries and resource materials;
- community centres and halls;
- cultural facilities; and
- administration of this Plan.

2.3 How will contributions be imposed?

In accordance with the Act, development contributions under this Plan will be imposed as a condition of development consent (see **Appendix D**) or as a condition on a Complying Development Certificate (see **Appendix E**).

2.4 How will the levy be calculated?

The levy will be determined on the basis of the percentage rate as set out in **Table E1** and calculated as follows:

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

Where:

%C is the percentage rate applicable.

\$C is the cost of carrying out the proposed development as agreed by Council at the date of determination.

The cost of carrying out the proposed development will be determined in accordance with clause 25J of the Regulation and as follows:

- for works less than or equal \$150,000, a Cost Estimate is required and may be prepared by the Applicant (based on a builders/suppliers quote or similar) or a suitably qualified person such as a licensed builder, registered architect, building professional or the like;

2 Administration of the Plan

- for works more than \$150,000 but less than \$3,000,000, a Cost Summary Report is required and must be prepared by a suitably qualified person;
- for works equal to or greater than \$3,000,000, a Detailed Cost Report is required and must be prepared by a Quantity Surveyor registered as a member of the Australian Institute of Quantity Surveyors.

Appendix F to this Plan provides further details in regard to calculating the cost of carrying out the development including a pro-forma Cost Summary Report and a pro-forma Detailed Cost Report.

Without limitation to the above, Council may review the estimated cost of carrying out the development and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no complying development certificate, subdivision certificate, construction certificate and/or occupation certificate will be issued until such time that the levy has been paid (see **Section 2.6**).

2.5 Methods of payment

In accordance with the Act, an obligation under this Plan to provide contributions toward transport and social infrastructure must be satisfied by payment of a monetary contribution.

Payment of contributions can be made online via credit card or at the counter via cheque, credit card, eftpos or any other means determined acceptable by Council from time to time.

Notwithstanding the above, an applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application, pursuant to Section 7.4 of the Act. Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions provided for by the Act.

An applicant's offer to enter into a planning agreement, together with the draft agreement, will generally need to accompany the relevant development application or an application to modify the development consent. Council may also consider an offer to enter into a planning agreement where an applicant has sought a change to an environmental planning instrument (i.e. via a Planning Proposal).

Council will publicly notify the draft planning agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the draft planning agreement as part of its assessment of the relevant application. If Council agrees to enter into the planning agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

2.6 Timing of payments

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 as follows, subject to any prevailing Ministerial Direction:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – 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 issue of an Occupation Certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing;

2 Administration of the Plan

- where no works are proposed – prior to occupation or issue of an Occupation Certificate, whichever occurs first.

It is the responsibility of an 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 issuing a Complying Development Certificate.

2.6.1 Deferred or periodic payments

Deferred payment of development contributions may be permitted in certain circumstances in accordance with the criteria outlined below:

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (a) the decision to allow deferred payment will be at the sole discretion of Council;
- (b) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (c) the works project to which the request applies does not relate to public safety or health;
- (d) the amount of the contribution or outstanding balance is not less than \$5,000;
- (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 two years from the standard payment date;
- (g) deferred payments and payments by instalments are subject to indexation.

If Council decides to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- the Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of City of Newcastle
- the Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of City of Newcastle
- 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 unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to 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.

2.6.2 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 or an Occupation Certificate, whichever is applicable under a development consent, unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

2 Administration of the Plan

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 exception to this requirement is where an alternate payment method has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.6.3 Complying development and the obligation of accredited certifiers

In accordance with the Section 7.21 of the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (see **Appendix E**) 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, to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council 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 or occupation to occur.

2.7 Indexation of contributions

To ensure that the value of contributions is not eroded over time, the contributions stated in a development consent or Complying Development Certificate will be indexed at the time of payment.

In this circumstance, if the contribution is not paid within the same financial quarter as the date of the determination, the payment shall be indexed in accordance with the following formula:

$$\$C_{PY} = \frac{\$C_D \times CPI_{PY}}{CPI_{PC}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment.

\$C_D is the amount of the contribution at the date of Determination.

CPI_{PY} 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_D is the CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the date of the Determination.

If the determination is not made within the same financial quarter as the date of the estimate of the cost of development, the cost of development shall also be indexed in accordance with the above methodology for the purposes of the contribution to be stated in the determination.

2.8 Accounting and management of funds

2.8.1 Accounting standards and contributions register

Accounting records and a contributions register for all development contributions made to Council under this Plan will be maintained and where required, published, in accordance with the Regulation.

2.8.2 Treatment of funds received prior to the commencement of this Plan

Funds levied and received under previous s7.12 plans will be used to deliver transport and social infrastructure under this Plan.

2 Administration of the Plan

2.8.3 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for transport and social infrastructure specified in this Plan.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used for the purpose for transport and social infrastructure specified in this Plan.

2.8.4 Pooling of contributions

Subject to any prevailing Ministerial Direction, this Plan expressly authorises monetary contributions received under this Plan, any previous plans and any other current s7.11 contributions plans to be pooled and applied (progressively or otherwise) for the purposes for which the contributions were made.

2.8.5 Other funding sources

Works proposed in this Plan represent infrastructure to be funded via a variety of sources. In some instances, the total cost of work is to be funded pursuant to the development contributions provisions of the Act. In other instances, the cost is to be borne by a combination of development contributions under this Plan, development contributions received under other contributions plans (including repealed contributions plans), and/or other funds.

Where relevant, the cost anticipated to be funded by this Plan does not include any grant funding. Should grant funding become available in the future, the works schedule in this Plan will be reviewed and the works schedule costs adjusted accordingly.

2.8.6 Delivery of Infrastructure in the Honeysuckle Foreshore Public Domain Area

Council has entered into a Deed of Agreement with the Hunter and Central Coast Development Corporation (HCCDC) whereby the HCCDC has agreed to deliver the transport and social infrastructure works nominated as “Honeysuckle Public Domain Works” in the Works Schedule at **Appendix B** on behalf of Council.

In return, Council will transfer 80% of the s7.12 development contributions received from development in the Honeysuckle Foreshore Public Domain Area (see **Figure 3**) to the HCCDC for the purposes of delivering this transport and social infrastructure.



Figure 3 Land subject to the Deed of Agreement with the HCCDC

2 Administration of the Plan

2.8.7 Refunds

A request for a refund of monetary contributions paid to Council must be accompanied by either:

1. A modification application pursuant to s4.30, s4.55 or s4.56 of the Act, which seeks to amend/delete the contributions condition; or
2. Surrender of a development consent pursuant to s4.17 or s4.63 of the Act in the form required by cl97 of the Regulation.

Subject to other considerations required by s4.15 or s4.28 of the Act, Council may consider refunding monetary contributions paid pursuant to this Plan, where:

- the condition requiring payment of a monetary contribution was imposed in a manner that was not in accordance with the provisions of this Plan as it existed at the date of determination of the development application or complying development certificate;
- the cost of development used to calculate the monetary contribution stated in a condition is satisfactorily demonstrated to have changed. In this instance and notwithstanding the provisions under **Section 2.4** of this Plan, Council will require a Detailed Cost Report prepared by a Quantity Surveyor registered as a member of the Australian Institute of Quantity Surveyors. Council may obtain a peer review of the applicant's estimate of cost of development and may seek to recover the costs of any such review from the applicant. In addition, should the peer review result in an increase in the cost of development, Council may seek to impose a higher contribution and require payment of the residual amount;
- a modification application seeks the full or partial use of the development for a purpose that would qualify for a reduction or exemption (e.g. seniors housing by a social housing provider or affordable housing). In this instance, no reduction or refund will be granted unless Council is satisfied that the application has been assessed with regard to all relevant considerations applicable to that type of development and if appropriate, lawful additional conditions are imposed to require the development to be operated in such a manner that accords with the proposed use (e.g. affordable housing to be provided for a defined period of time, or housing to be provided by a social housing provider that is to be occupied by persons 55 and over or persons with a disability);

Refunds will not be considered where occupation/commencement of the approved development has occurred.

In assessing a request to refund monetary contributions, Council will consider whether it is in a financial position to do so, having regard to whether those funds have already been spent or committed for expenditure (e.g. a project has started and would be adversely impacted if the money contribution (in whole or in part) is refunded). Council may also have regard to whether it may be in a position to provide a refund in accordance with a payment schedule.

Furthermore, where a request for a refund is not as a consequence of an error on behalf of the consent authority, any refund will be exclusive of any interest that may have been earned on the contribution between the date of payment to the date of the refund.

2.8.8 Goods and services tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

However, if legislative changes (including Australian Tax Office tax rulings) determine otherwise, contributions in this Plan will be adjusted to include GST.

3 Forecast development and demand for transport and social infrastructure

3.1 Strategic Context

3.1.1 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 was finalised in October 2016 and is a 20-year plan to guide the NSW Government's planning priorities and decisions for the Hunter Region and provide a framework for more detailed land use and infrastructure planning and funding. The following summarises key aspects of the plan as they relate to the Newcastle LGA and this Plan:

- The resident population of 'Greater Newcastle' (comprising the urban areas of the LGAs of Newcastle, Lake Macquarie, Port Stephens, Cessnock and Maitland) is expected to grow by approximately 125,000 people in 50,000 dwellings between 2016 and 2036. The Newcastle LGA will account for 33,300 of these new residents in 16,800 dwellings with 6,000 new dwellings within the Newcastle City Centre;
- Approximately 48,000 additional jobs will be required from 2016 to 2036, with 17,964 new jobs in the Newcastle LGA and 8,000 of these within the Newcastle City Centre;
- New jobs will also be created by expansion of the University of Newcastle in the Newcastle City Centre and Callaghan campus, associated with the John Hunter Hospital and around the Port of Newcastle;
- The new public transport gateway at Wickham will generate growth;
- The existing network of on and off-road cycling and walking trails is to be expanded including providing enhanced access to natural areas.

3.1.2 Local Strategic Planning Statement

The City of Newcastle Local Strategic Planning Statement (LSPS) was adopted by Council in May 2020 and provides the direction for land use planning for the Newcastle LGA for the 20 year period from 2020 to 2040.

The LSPS outlines that between 2016 and 2040, the residential population is expected to grow by approximately 38,000 persons, a 23% increase over the 2016 resident population.

In addition, there is estimated to be an additional 36,331 new jobs over this period, being a 35% increase over the 2016 workforce population.

3.2 Forecast Development

The Hunter Regional Plan 2036 and the LSPS provide the high level context for future growth in the Newcastle LGA although Council has the benefit of more detailed residential forecasts prepared by .id Consulting Pty Ltd (2020) and employment forecasts within the Newcastle Employment Lands Strategy prepared by SGS Economics and Planning (2019).

The forecasts provide for the following additional development within the LGA between 2021 and 2036, being the planning period for this Plan.

- 23,740 additional residents within 11,520 private dwellings and other accommodation such as boarding houses, group homes, hostels, residential care facilities and student housing;
- 78,500m² of retail floor space;
- 212,500m² of other (non-retail) commercial floor space; and
- 121,000m² of industrial floor space.

3 Forecast development and demand for transport and social infrastructure

3.3 Demand for public facilities and services

The increased usage of and demand for new transport and social infrastructure as a consequence of the forecast additional development will in most cases, exceed the capacity of existing public facilities in the LGA and therefore, it will be necessary for new and embellished transport and social infrastructure to be provided to cater for the anticipated demand of future development.

For the purposes of this Plan, Council has drawn upon a variety of strategies and plans which set out the transport and social infrastructure requirements of the future population, including, but not limited to the following:

- The Library Strategy 2019-2029;
- Parkland and Recreation Strategy (2014);
- Dogs in Open Space Plan (2019);
- Strategic Sports Plan (2020);
- Cathedral Park Masterplan (2012);
- Draft Gregson Park Masterplan (2021);
- Carrington Greenspace Masterplan (2020);
- Stevenson Park Masterplan (2019);
- Foreshore Plan of Management 2015
- National Park Plan of Management (2012);
- Cycling Plan 2021-2030 (2021);
- Fern Bay and North Stockton Strategy (2020);
- Stockton Public Domain Plan and Traffic Plan (2017);
- South Stockton Reserves Public Domain Plan (2012);
- Wickham Master Plan (2017);
- Beresfield Local Centre Public Domain Plan and Traffic Plan (2017);
- Bathers Way Public Domain Plan (2016);
- Merewether Beach Reserves Public Domain Plan (2015); and
- The Newcastle Smart City Strategy (2017-2021).

In addition to transport and social infrastructure projects specifically identified in these documents, this Plan includes other projects which align with the Planning Priorities in the LSPS, Employment Lands Strategy and Local Housing Strategy.

Appendix A - Glossary

Terms used in this Plan have the following meanings except where the meaning of a term is inconsistent with the Act or the *Standard Instrument—Principal Local Environmental Plan (SILEP)*, in which case the definition in the Act or SILEP will prevail:

“**ABS**” means the Australian Bureau of Statistics.

“**Act**” means the *Environmental Planning and Assessment Act 1979*.

“**affordable housing**” means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

“**applicant**” means the person(s) or organisation(s) submitting a development application.

“**ATO**” means the Australian Taxation Office.

“**Consumer Price Index (CPI)**” is a standard measure of price movements published by the Australian Bureau of Statistics.

“**contribution**” means the same as “**development contribution**”;

“**contributions plan**” means a contributions plan referred to in the Act.

“**Council**” means the Newcastle City Council

“**DCP**” means a Development Control Plan adopted by Council under the Act.

“**development**” has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing that may be controlled by an environmental planning instrument.

“**development consent**” means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

“**development contribution**” means the making of a monetary contribution, dedication of land or the providing of a material public benefit (including a work-in-kind), or any combination of these as referred to in the Act for the provision of transport and social infrastructure;

“**dwelling**” means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

“**dwelling house**” means a building containing only one dwelling;

“**GFA**” means the same as gross floor area.

“**gross floor area**” means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:

Appendix A - Glossary

- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

“**LEP**” means a Local Environmental Plan made by the Minister under the Act.

“**LGA**” means Local Government Area.

“**material public benefit**” means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

“**Minister**” means the Minister administering the *Environmental Planning and Assessment Act 1979*.

“**Ministerial Direction**” means a Direction by the Minister pursuant to Section 7.9 or Section 7.17 of the Act.

“**planning agreement**” means a planning agreement referred to in the Act.

“**public infrastructure**” means:

- (a) public amenities and public services, and
 - (b) affordable housing, and
 - (c) transport infrastructure,
- but does not include water supply or sewerage services.

“**Regulation**” means the *Environmental Planning and Assessment Regulation 2000*.

“**Residential accommodation**” means a building or place used predominantly as a place of residence, including:

- Attached dwellings;
- Boarding houses;
- Dual occupancies;
- Dwelling houses;
- Group homes;
- Hostels;
- Multi dwelling housing;
- Residential flat buildings;
- Rural worker’s dwellings;
- Secondary dwellings
- Semi-detached dwellings;
- Seniors housing; and
- Shop top housing;

but does not include tourist and visitor accommodation or caravan parks.

Appendix A - Glossary

“seniors housing” means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital;

“SILEP” means the *Standard Instrument—Principal Local Environmental Plan*.

“social housing provider” means a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* which, at the date of adoption of this Plan included:

- (k) the New South Wales Land and Housing Corporation,
- (l) the Department of Housing,
- (m) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (n) the Aboriginal Housing Office,
- (o) a registered Aboriginal housing organisation within the meaning of the [Aboriginal Housing Act 1998](#),
- (p) the Department of Ageing, Disability and Home Care,
- (q) a local government authority that provides affordable housing,
- (r) a not-for-profit organisation that is a direct provider of rental housing to tenants.

“student housing” means a building that:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

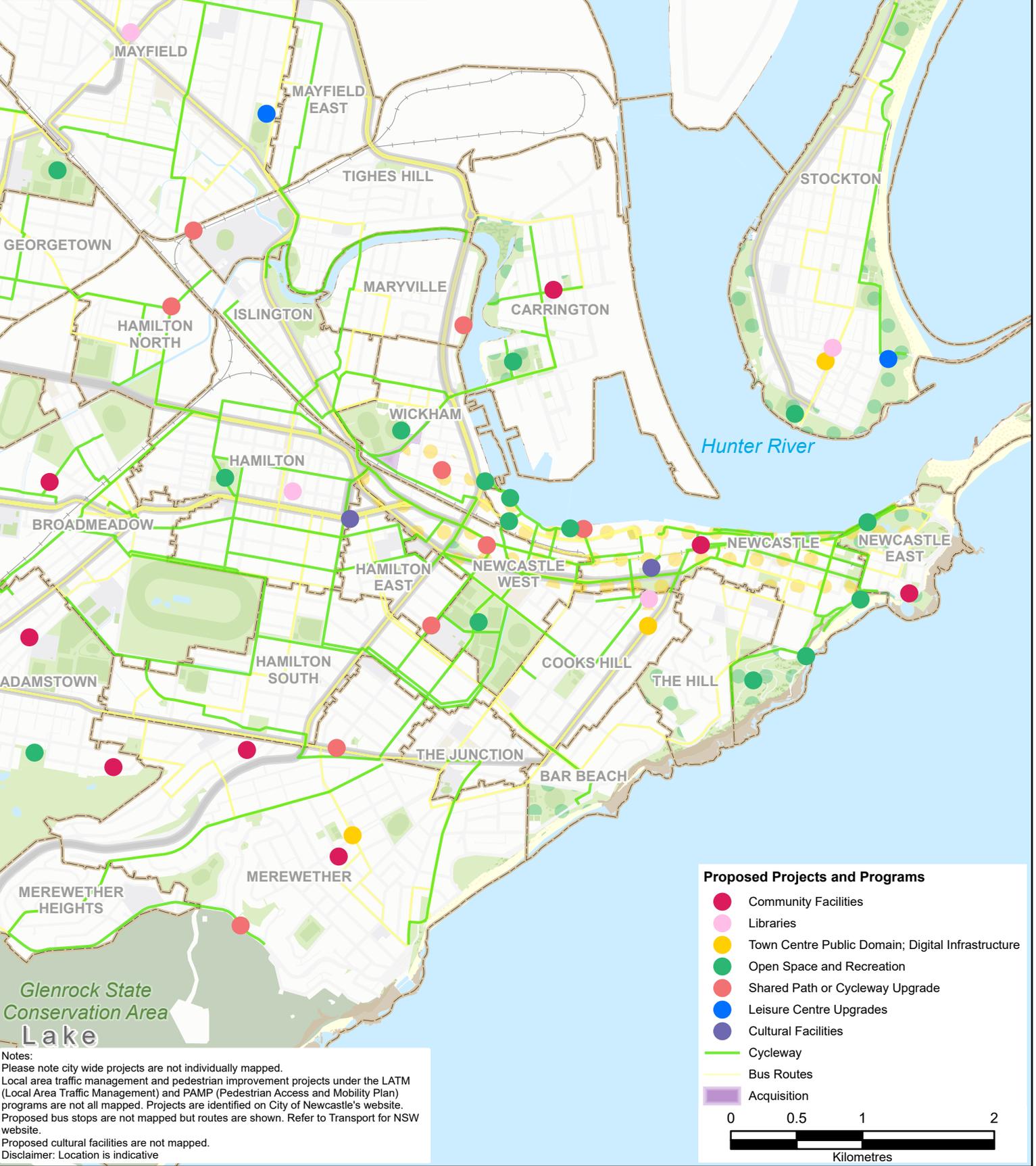
“transport and social infrastructure” means public amenities and public services, but does not include water supply or sewerage services.

“work-in-kind” means the carrying out of work which is identified in the costed works schedule which form part of this Plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution.

Appendix B – Works Schedule

Facility Ref	Description	Total Facility Cost	Cost anticipated to be funded by this Plan
s7.12-001	Cycleway network	\$103,103,100	\$8,439,858
s7.12-002	Pedestrian accessibility and mobility network	\$52,500,000	\$4,297,567
s7.12-003	Local Area Traffic Management works	\$30,000,000	\$2,455,753
s7.12-004	Bus shelters	\$3,000,000	\$245,575
s7.12-005	Town Centres Public Domain improvements	\$56,855,572	\$4,654,108
s7.12-006	Digital infrastructure	\$13,500,000	\$1,105,089
s7.12-007	Leisure Centre Infrastructure	\$56,000,000	\$4,584,072
s7.12-008	Open Space and recreation facilities embellishment	\$6,336,000	\$518,655
s7.12-009	Libraries embellishment	\$16,607,580	\$1,359,470
s7.12-010	Community space embellishment	\$17,736,420	\$1,451,875
s7.12-011	Cultural spaces embellishment	\$9,234,200	\$755,897
Honeysuckle Public Domain Works			
s7.12-012	Honeysuckle Foreshore - Tree of Knowledge Park Stage 2	\$6,000,000	\$491,151
s7.12-013	Honeysuckle Foreshore - Waterfront promenade	\$5,500,000	\$450,221
s7.12-014	Honeysuckle Foreshore - Cottage Creek naturalisation and open space	\$10,900,000	\$892,257
s7.12-015	Honeysuckle Foreshore - Cottage Creek bridge replacement	\$1,400,000	\$114,602
s7.12-016	Honeysuckle Foreshore - Worth Place Park West	\$5,300,000	\$433,850
TOTAL		\$393,972,872	\$32,250,000

Appendix C – Maps of Infrastructure Locations

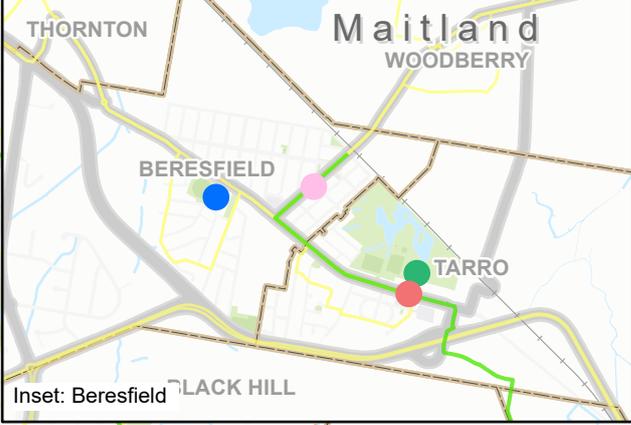
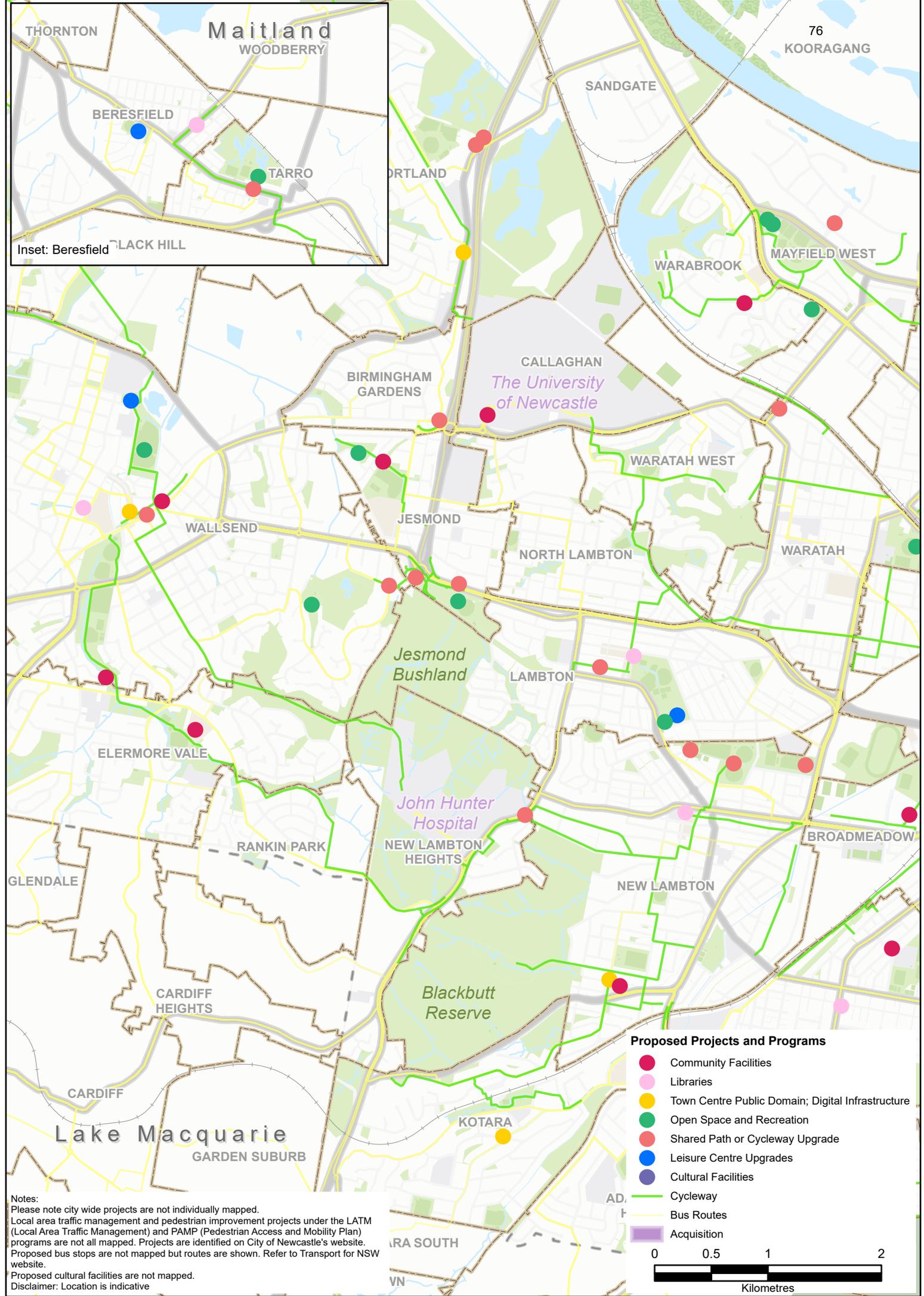


Notes:
 Please note city wide projects are not individually mapped.
 Local area traffic management and pedestrian improvement projects under the LATM (Local Area Traffic Management) and PAMP (Pedestrian Access and Mobility Plan) programs are not all mapped. Projects are identified on City of Newcastle's website.
 Proposed bus stops are not mapped but routes are shown. Refer to Transport for NSW website.
 Proposed cultural facilities are not mapped.
 Disclaimer: Location is indicative

Proposed Projects and Programs

- Community Facilities
- Libraries
- Town Centre Public Domain; Digital Infrastructure
- Open Space and Recreation
- Shared Path or Cycleway Upgrade
- Leisure Centre Upgrades
- Cultural Facilities
- Cycleway
- Bus Routes
- Acquisition

0 0.5 1 2
 Kilometres



Inset: Beresfield LACK HILL

Notes:
 Please note city wide projects are not individually mapped.
 Local area traffic management and pedestrian improvement projects under the LATM (Local Area Traffic Management) and PAMP (Pedestrian Access and Mobility Plan) programs are not all mapped. Projects are identified on City of Newcastle's website.
 Proposed bus stops are not mapped but routes are shown. Refer to Transport for NSW website.
 Proposed cultural facilities are not mapped.
 Disclaimer: Location is indicative

Proposed Projects and Programs

- Community Facilities
- Libraries
- Town Centre Public Domain; Digital Infrastructure
- Open Space and Recreation
- Shared Path or Cycleway Upgrade
- Leisure Centre Upgrades
- Cultural Facilities
- Cycleway
- Bus Routes
- Acquisition

0 0.5 1 2
 Kilometres

Appendix D – Pro forma Condition of Consent

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **\$(INSERT FIGURE)** shall be paid to Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.
- (b) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\mathbf{\$C_{PY}} = \frac{\mathbf{\$C_{DC} \times CPI_{PY}}}{\mathbf{CPI_{DC}}}$$

Where:

- \$C_{PY}** is the amount of the contribution at the date of Payment
- \$C_{DC}** is the amount of the contribution as set out in this development consent
- CPI_{PY}** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI_{DC}** is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this development consent.

- (c) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contribution has been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.newcastle.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix E – Pro forma CDC Condition

- (a) In accordance with Section 4.28(6) of the *Environmental Planning and Assessment Act 1979* and the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **#[INSERT FIGURE]** shall be paid to Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.
- (b) If the contribution is not paid within the financial quarter that this complying development certificate is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\mathbf{\$C_{PY}} = \frac{\mathbf{\$C_{CDC} \times CPI_{PY}}}{\mathbf{CPI_{CDC}}}$$

Where:

- \$C_{PY}** is the amount of the contribution at the date of Payment.
- \$C_{CDC}** is the amount of the contribution as set out in this Complying Development Certificate.
- CPI_{PY}** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI_{CDC}** is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Complying Development Certificate.

- (c) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Council:
- (i) prior to the works commencing where the development requires building works;
 - (ii) prior to occupation or the issue of an occupation certificate, whichever occurs first, where no works are required.

It is the professional responsibility of an accredited certifier to ensure that the monetary contribution has been paid to Council prior to authorising works to commence.

Council's Plan may be viewed at www.newcastle.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix F – Cost of Development Calculation

A genuine estimate of the cost of carrying out the proposed development is required to be submitted to allow Council to determine the contribution that will be required. The following should be provided:

- for works less than or equal to \$150,000, a **Cost Estimate** is required and may be prepared by the Applicant (based on a builders/suppliers quote or similar) or a suitably qualified person such as a licensed builder, registered architect, building professional or the like;
- for works more than \$150,000 but less than \$3,000,000, a **Cost Summary Report** is required and must be prepared by a suitably qualified person;
- for works equal to or greater than \$3,000,000, a **Detailed Cost Report** is required and must be prepared by a Quantity Surveyor registered as a member of the Australian Institute of Quantity Surveyors.

To avoid doubt, at the date of commencement of this Plan, Clause 25J of the *Environmental Planning and Assessment Regulation 2000* provides:

- “(1) *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following-*
- (a) *if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,*
 - (b) *if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,*
 - (c) *if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.*
- (2) *For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.*
- (3) *The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development—*
- (a) *the cost of the land on which the development is to be carried out,*
 - (b) *the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
 - (c) *the costs associated with marketing or financing the development (including interest on any loans),*
 - (d) *the costs associated with legal work carried out or to be carried out in connection with the development,*
 - (e) *project management costs associated with the development,*
 - (f) *the cost of building insurance in respect of the development,*
 - (g) *the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
 - (h) *the costs of commercial stock inventory,*
 - (i) *any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
 - (j) *the costs of enabling access by disabled persons in respect of the development,*
 - (k) *the costs of energy and water efficiency measures associated with the development,*
 - (l) *the cost of any development that is provided as affordable housing,*
 - (m) *the costs of any development that is the adaptive reuse of a heritage item.*
- (4) *The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.”*

Appendix F – Cost of Development Calculation

Cost Summary Report*

[Development Cost of more than \$150,00 but less than \$3,000,000]

* Prepared by a licensed builder, registered architect, building professional or the like.

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

ANALYSIS OF DEVELOPMENT COSTS:

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

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

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

Signed:

Name:

Position and Qualifications:

Date:

Appendix F – Cost of Development Calculation

Detailed Cost Report*

[Cost of Development equal to or greater than \$3,000,000]

* Prepared by a Quantity Surveyor registered as a member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS:

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

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per m ² of site area	\$/m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per m² of site area	\$/m²
Cost per m ² of site area	\$/m ²	Cost per space	\$/space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per m ² of commercial area	\$/m ²	Cost per m ² of commercial area	\$/m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m ² of residential area	\$/m ²	Cost per m ² of residential area	\$/m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m ² of retail area	\$/m ²	Cost per m ² of retail area	\$/m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:

Name:

Position and Qualifications:

Date:

Appendix G – References

The following legislation, plans and policies, studies, technical guides and other information have been used to formulate the contents of the Plan:

- Australian Bureau of Statistics (2016). Census Data
- City of Newcastle (2012a). Cathedral Park Masterplan
- City of Newcastle (2012b). National Park Plan of Management
- City of Newcastle (2012c). Newcastle Development Control Plan 2012
- City of Newcastle (2012d). South Stockton Reserves Public Domain Plan
- City of Newcastle (2014). Parkland and Recreation Strategy (reviewed 2017)
- City of Newcastle (2015a). Foreshore Plan of Management 2015
- City of Newcastle (2015b). Merewether Beach Reserves Public Domain Plan
- City of Newcastle (2016). Bathers Way Public Domain Plan
- City of Newcastle (2017a). Beresfield Local Centre Public Domain Plan and Traffic Plan
- City of Newcastle (2017b). Smart City Strategy
- City of Newcastle (2017c). Stockton Public Domain Plan and Traffic Plan
- City of Newcastle (2017d). Wickham Master Plan
- City of Newcastle (2019a). Dogs in Open Space Plan
- City of Newcastle (2019b). The Library Strategy
- City of Newcastle (2019c). Stevenson Park Masterplan
- City of Newcastle (2020a). Carrington Greenspace Masterplan
- City of Newcastle (2020b). Fern Bay and North Stockton Strategy
- City of Newcastle (2020c). Local Strategic Planning Statement
- City of Newcastle (2020d). Newcastle Cycling Plan
- City of Newcastle (2020e). Newcastle Local Housing Strategy (updated 2021)
- City of Newcastle (2020f). Strategic Sports Plan
- City of Newcastle (2021). Draft Gregson Park Masterplan
- Department of Planning (2005). Development Contributions Practice Notes
- Department of Planning (2009). Draft Local Development Contributions Guidelines
- Department of Planning, Infrastructure and Environment (2016). Hunter Regional Plan 2036
- Department of Urban Affairs & Planning (1997). The Section 94 Contributions Manual
- Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000*
- .id Consulting Pty Ltd (2020). City of Newcastle Forecasts, <http://forecast.id.com.au/newcastle>
- Newcastle Local Environmental Plan 2012*
- SGS Economics & Planning (2019). Newcastle Employment Lands Strategy

newcastle.nsw.gov.au

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 26/10/2021 - ADOPTION OF DEVELOPMENT CONTRIBUTIONS
FRAMEWORK**

ITEM-102 Attachment C: Submissions Table

DISTRIBUTED UNDER SEPARATE COVER

Submissions Table – Key Matters

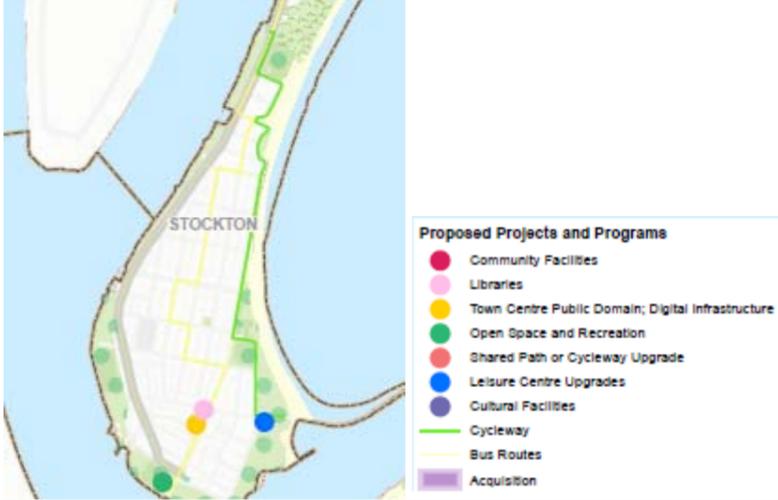
The table below captures key matters raised within the four written submissions received by City of Newcastle (CN) during the public exhibition of the draft Section 7.11 Development Contributions Plan and draft Section 7.12 Development Contributions Plan which was held from 27 August 2021 to 24 September 2021.

The table has included direct references from submissions made, mostly where recommendations are made in respect to the proposed framework. It provides a response, including any recommended outcome for Council to consider together with the report.

Theme	Submission from	Key matters raised	CN response/recommendation
In principle support	Property Council	<p>Recognise this future population will create demand for new and improved transport and social infrastructure and is generally supportive of a framework that sets reasonable contributions to support the supply of this infrastructure in the areas where developments occur.</p> <p>Offers in principle support to this plan, acknowledging the balance it provides and further acknowledging that the proposed contributions appear to be in line with those levied across other local government areas (LGAs).</p>	<p>Comment noted.</p> <p>Agree the proposed contributions are in line with those levied across other LGAs.</p>
Savings and transitional arrangements	Property Council	<p>Request a review of savings and transitional arrangement. If a development application (DA) has been lodged for a site, it is recommended that the contributions plan in place at the time of lodgement should be applied.</p>	<p>This has been considered and as a result the Section 7.11 Development Contributions Plan and Section 7.12 Development Contributions Plan will have a delayed commencement date to allow them to operate from 1 January 2022 - should Council adopt the plans.</p> <p>In total, this will provide approximately three months advance notice to applicants considering progression of a development application. This is considered more than sufficient since the draft Section 7.11 Development Contributions Plan and draft Section 7.12 Development Contributions Plan were reported to Council seeking endorsement for exhibition purposes on 24 August 2021.</p>
Material public benefits / 'works-in-kind'	Property Council	<p>Recommend that Council produce, and incorporate into the Section 7.11 Development Contributions Plan, a pro-forma agreement to be used for Works in Kind (WIK) agreements, rather than having to develop one for each project. The current wording around WIK agreements should be reviewed to reflect Council supports and encourages WIK agreements.</p> <p>WIK agreements should be encouraged as they generally deliver the works in a more timely manner. Often works are levied that are not delivered for 10 or more years and by this time much of the need has dissipated.</p>	<p>Further changes to the Section 7.11 Development Contributions Plan was not considered necessary as the plans allow for Council to accept, at its discretion, an offer by an applicant to provide an 'in-kind' contribution or through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under that Plan. However, CN agree that a WIK Policy would be a great idea and are going to explore preparation of one. Industry Groups will be further consulted on preparation of a Policy.</p>
Draft Section 7.12 Contributions Plan – levies	Property Council	<p>Questions Section 7.12 development contributions being applied to alterations and additions over \$200,000.</p> <p>Do not agree this is warranted given many renovations of this size do not add any additional density to the development and particularly where this is levied in the CBD at 3% it could only be considered extra revenue. In most other LGAs a personal residence is exempt.</p> <p>Whilst it is not proposed to change we also disagree with the flat 3% being applied to non-residential development valued over \$250,000 in the CBD. This is the maximum percentage that can be levied under a 7.12 and when this is combined with the 1% Public Art levy it is actually a cumulative 4% levy.</p> <p>Review and remove the reference to alterations and additions to residential development</p>	<p>Agree that a maximum Section 7.12 levy of 1% should apply to alterations and additions to residential development across the LGA. The Section 7.12 Development Contributions Plan has been updated to reflect this change so alterations and additions to residential development in the City centre do not pay a Section 7.12 levy of up to 3% but rather 1%.</p> <p>It is not proposed to change the 3% Section 7.12 levy in the City centre for non-residential development which applies under the current plan..</p>

Theme	Submission from	Key matters raised	CN response/recommendation
Draft Section 7.12 Contributions Plan – Savings and transitional arrangements	Property Council	If a DA has been lodged for a site, we believe that the contributions plan applicable at the time of lodgement should be applied, not the new one.	For clarification, the draft and proposed Section 7.11 Development Contributions Plan and Section 7.12 Development Contributions Plan support this approach for modifications and state that if a modification application pursuant to Section 4.55 or s4.56 of the EP&A Act 1979 has been made before the commencement of the plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the contributions plan that applied at the date that the original development consent was granted.
Draft Section 7.12 Contributions Plan – Cost of Development Calculation	Property Council	<p>Ensure that the calculation sheet does not include the cost of mines remediation or remediation of site contamination.</p> <p>Question the appropriateness of including student accommodation in this Plan.</p>	<p>The exhibited Section 7.12 Development Contributions Plans stated that there will be "no contribution for the cost of remediation and grouting of land affected by mine subsidence" (NB: such costs will be excluded from the total cost of development where development involves works additional to remediation and grouting of land affected by mine subsidence). The proposed Section 7.12 Plan will not include the cost of mines remediation in calculating the cost of development i.e. no levy on that component of the development.</p> <p>Furthermore, the cost of calculating development for the purposes of calculating a Section 7.12 levy, is regulated under 25J of the Environmental Planning & Assessment Regulation 2000 and requires that the calculation for cost of development include "the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation". Accordingly, no reduction relating to site remediation is to be made in respect to remediation of site contamination as it is required to be included in the cost under the Regulation</p> <p>There is no change proposed to the current approach where student housing would be levied under the Section 7.12 Development Contributions Plan. The new plans introduce the term "student housing" to distinguish that this form of residential accommodation will continue to be levied under Section 7.12 as opposed to the rates under the new Section 7.11 Development Contributions Plan. In this regard, it is noted that other councils (such as Lake Macquarie City Council, Port Stephens Council) apply a higher contribution for this housing type under Section 7.11. Central Coast Council applies a Section 7.12 levy on student housing. It is considered reasonable to continue imposing a Section 7.12 levy (up to 1%) for student housing.</p>
In principle support	Urban Development Institute of Australia (UDIA)	<p>In principle, UDIA supports the use of the development contribution system to provide for the infrastructure needs created by new development.</p> <p>UDIA underscores that Council must keep in mind that the actual cost of contributions is passed through to purchasers in the form of higher prices for new housing. Council is proposing to increase the effective contributions rate in the local government area (LGA) (outside of the existing Western Corridor Section 7.11 Plan).</p> <p>Pleasingly, City of Newcastle has, in recent years, been investing heavily in local infrastructure and that spending has recently outpaced its Section 7.12 collections. The City of Newcastle's record for spending contributions collected under its Section 7.12 development contributions plan is very good compared with other Councils across the Sydney Megaregion.</p>	<p>Comment noted.</p> <p>The following is an extract from the Productivity Commission Report of 2021 (p33):</p> <p><i>"Contributions do not necessarily add to the final price of new housing. The maximum price achievable for a new apartment or dwelling will be determined to a large degree by the broader housing market, with consideration of the unique characteristics of the property and its location. When a contribution is levied, to the extent that the broader housing market and characteristics of the dwelling are no different, the maximum price achievable for the dwelling would remain unchanged."</i></p> <p>Comment noted.</p>

Theme	Submission from	Issues raised	CN response/recommendation
Backlog	UDIA	Recommend that Council should make clear how the backlog of infrastructure from the existing Section 7.12 development contributions will be funded and delivered.	The works schedule in the current Section 7.12 Development Contributions Plan has informed the proposed works schedules and Council is still committed to delivering those projects. The remaining unspent funds (anticipated to be around \$4.6 million - to be confirmed in the Annual Financial Statement released in October 2021) are proposed to be spent on those projects and will be carried forward to also align with the forward program. It is anticipated that the remaining unspent Section 7.12 levies (of \$4.6 million) will be spent in the 2021/2022 financial year.
Nexus	UDIA	Recommend that Council should ensure it has adequately considered the issue of physical nexus with regard to the Section 7.11 development contributions plan and its works schedule.	If changes occur to anticipated social or transport needs or significant planning controls change, the works schedule will be reviewed and updated accordingly. Forward planning and infrastructure needs have been informed by forecasting provided by id profile and supporting strategies. This is live information that can be considered to assist in relevant decision making. It can be accessed on CN's website.
Works in Kind	UDIA	Recommend that Council should make clearer the criteria it will use in considering WIK proposals.	Further changes were not considered necessary as the plans allow for Council to accept, at its discretion, an offer by an applicant to provide an 'in-kind' contribution or through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under that Plan. CN would like to consider a WIK Policy and will seek input from Industry Groups. Other councils have a Policy on WIK and CN are supportive of this approach.
Transition and s4.55 Applications	UDIA	Clarify that in the case of a development consent granted prior to the commencement of the new plan, any modification to that consent will be determined on the basis of the previous plan.	The draft and proposed Section 7.11 Development Contributions Plan and Section 7.12 Development Contributions Plan support this approach and state that if a modification application pursuant to Section 4.55 or s4.56 of the EP&A Act 1979 has been made before the commencement of the plan in relation to land to which the plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the contributions plan that applied at the date that the original development consent was granted.
Cross boundary contributions	Port Stephens Council	<p>The Fern Bay and North Stockton Strategy states that the anticipated residential growth within Fern Bay and Fullerton Cove will result in demand for local infrastructure located within both Newcastle and Port Stephens LGA's. This demand will require the upgrade of existing facilities, as well the provision of new local infrastructure in both LGAs.</p> <p>The Port Stephens Local Infrastructure Contributions Plan 2020 collects funds from development in the Fern Bay Catchment for projects that are located in the Newcastle LGA. Each lot created in this catchment contributes \$3,157 to these projects. The Works Schedule in the Port Stephens Local Infrastructure Contributions Plan reflects infrastructure items that will be provided, costings and the timing.</p>	<p>Agree. Infrastructure required to support the anticipated growth in North Stockton and Fern Bay is identified in The Fern Bay and North Stockton Strategy. The current Section 7.12 Development Contributions Plan has been updated to reflect the outcomes of this Strategy. The current works schedule which contains such projects has informed the proposed Section 7.11 and Section 7.12 Development Contributions Plans with locations mapped to provide reference to locations.</p> <p>The proposed Section 7.11 Development Contributions Plan will support the time frames agreed to in the Strategy and Implementation Plan should demand be met and growth realised.</p>
Cross boundary contributions	Port Stephens Council	Requests that the Schedule of Works in the draft Section 7.11 Contributions Plan be amended to include reference to these projects, and any other projects identified as a result of action 13 in the Fern Bay and North Stockton Strategy, which is for each council to prepare separate amendments to their Infrastructure Contributions Plans to ensure that the infrastructure identified in the Strategy can be delivered as the area grows.	Further amendments are not required to the proposed works schedule as they capture the program to deliver the agreed projects. These projects are mapped and both councils are contributing toward Stockton sporting facilities such as upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure. Furthermore, bus stops and a multipurpose library space are also included in the proposed CN's Section 7.11 and Section 7.12 Development Contributions Plans, which are identified in the strategy. To clarify, no other infrastructure was identified in the joint strategy as requiring Section 7.11/7.12 contributions from development in CN LGA. Improved shared paths and connections were identified in the Port Stephens LGA and this was reflected in the updated to the Port Stephens Section 7.11 Development Contributions Plan. Any other traffic or transport projects in CN LGA will be undertaken with redevelopment of key sites.

Theme	Submission from	Key matters raised	CN response/recommendation
Cross boundary contributions	Port Stephens Council	<p>It should be noted that Port Stephens Council officers met with CN officers on 24 March 2021 to discuss the draft Plans. During this meeting the level of growth projected to occur in the Fern Bay Catchment was described as being minimal. However, with the recent rezoning of land at Popplewell Road, Fern Bay expected to create around 300 residential lots, Port Stephens Council expects to contribute around \$947,100 paid to CN with this Development Application alone. We would request that the draft Plans should be amended to provide detail on what projects this will fund in the area and the timing for delivery, consistent with the Fern Bay and North Stockton Strategy.</p>	<p>For clarity, these projects have been included in the proposed program to deliver the works schedule and referenced in the maps and it is not necessary that they need to be further defined in the CN Section 7.11 or Section 7.12 Development Contributions Plan. The timing in the Strategy will guide delivery along with other planning triggers.</p> <p>For further transparency, it is proposed to prepare a Deed of Agreement, to reflect this long-standing contribution agreement. This Deed simply documents the transfer process and agreed projects. No change is required to the Section 7.11 Development Contributions Plan in this respect. As the contribution is from Port Stephens residents and paid to Port Stephens Council, it will be important to ensure that plan and a potential deed is regularly reviewed and kept up to date.</p> <p>Furthermore, other infrastructure is being planned in Stockton such as a cycleway and additional floor space / upgrades, which will support residents further North. Mapped items are below (as reflected in the Section 7.11/7.12 development contributions plans):</p> 
Public toilets	Newcastle West Community Group	<p>Recognise that public toilets have not been considered.</p> <p>Residents, especially older residents, also need toilets for their own use and what is available is not adequate. It is an issue for walkers. It impacts on the usage of recreational spaces and consequently tourism. Towns that perceive tourism as a valuable component of their economy tend to make an investment in public toilets as a way of encouraging people to visit their area and use their parks, picnic areas and walking tracks. Many Newcastle parks, including the large National Park in our own suburb, do not have toilets available for the public to use.</p>	<p>The proposed Section 7.11/7.12 Development Contributions Plans includes programmes that will support funding from development contributions for amenities in public places and spaces.</p>