

Section 94 Contributions Plan

*Plan District No.5
Tilligerry Peninsula*

 *Port Stephens*
C·O·U·N·C·I·L
... a community partnership

23rd June 1999

CONTENTS

CONTENTS	0
AMENDMENTS	0
1. PLAN SUMMARY	1-1
1.1 NAME.....	1-1
1.2 PURPOSE.....	1-1
1.3 AREA TO WHICH TILLIGERRY PENINSULA SECTION 94 CONTRIBUTIONS PLAN APPLIES.....	1-1
1.4 LEGISLATION.....	1-1
1.5 CITATION	1-2
1.6 OPERATIONAL.....	1-2
2. ADMINISTRATION PROVISIONS	2-1
2.1 CONTRIBUTIONS	2-1
2.1.1 CONTRIBUTION STRUCTURE.....	2-1
2.1.2 ASSESSMENT OF CONTRIBUTION.....	2-1
2.1.3 CALCULATION OF CONTRIBUTION.....	2-1
2.1.4 DISCOUNT OF CONTRIBUTION	2-1
2.1.4.1 GENERAL.....	2-1
2.1.4.2 GRANNY FLATS	2-2
2.1.4.3 TOURIST ACCOMMODATION	2-2
2.1.4.4 PERMANENT MOBILE HOMES (Unregisterable Movable Dwellings) AND CARAVANS	2-3
2.1.4.5 AGED & DISABLED PERSONS ACCOMMODATION DEVELOPMENT	2-3
2.1.4.6 BED AND BREAKFAST ESTABLISHMENTS	2-3
2.1.5 SAVINGS AND TRANSITIONAL AGREEMENTS	2-4
2.2 ADMINISTRATION	2-5
2.2.1 ADJUSTMENT OF CONTRIBUTION.....	2-5
2.2.1.1 CPI VARIATIONS.....	2-5
2.3 PAYMENT.....	2-5
2.3.1 SETTLEMENT OF CONTRIBUTION	2-5
2.3.2 TIMING OF SETTLEMENT	2-5
2.3.3 DEFERRED PAYMENT.....	2-5
2.3.4 DEDICATION OF LAND.....	2-6
2.3.5 PROVISION OF A MATERIAL PUBLIC BENEFIT.....	2-6
2.3.6 REFUNDING OF SECTION 94 CONTRIBUTIONS.....	2-6
2.4 ACCOUNTABILITY.....	2-7
2.4.1 ACCOUNTING FOR SECTION 94 CONTRIBUTIONS.....	2-7
2.4.2 ANNUAL STATEMENT	2-7
2.5 REVIEW	2-7
2.5.1 REVIEW OF CONTRIBUTIONS PLANS.....	2-7
2.6 MANAGEMENT	2-8
2.6.1 PREPARATION & MANAGEMENT OF PLANS.....	2-8
2.6.2 NEXUS.....	2-8
2.6.3 MANAGEMENT CONTRIBUTION	2-8
2.7 COMPLYING DEVELOPMENT	2-9
3. STRATEGY	3-1
3.1 NEXUS.....	3-1
3.1.1 CAUSAL NEXUS	3-1
3.1.2 PHYSICAL NEXUS.....	3-1
3.1.3 TEMPORAL NEXUS.....	3-1
3.1.4 WHAT ARE THE TYPES OF DEVELOPMENT IN THE TILLIGERRY PENINSULA?..	3-2
3.1.5 WHAT IS THE EXPECTED INCREASE IN POPULATION?.....	3-2
3.1.6 TO WHAT EXTENT WILL THE PROPOSED PUBLIC FACILITIES MEET THE NEEDS OF THE POPULATION?.....	3-3
3.1.7 WHAT PUBLIC FACILITIES ARE REQUIRED?	3-3

3.1.8	WHAT PUBLIC FACILITIES ARE TO BE PROVIDED?.....	3-3
4.	CONTRIBUTIONS.....	4-1
4.1	CATEGORY.....	4-1
4.2	APPLICATION.....	4-1
4.3	OPEN SPACE & RECREATION FACILITIES.....	4-2
4.3.1	PUBLIC OPEN SPACE & PARKLAND.....	4-2
4.3.1.1	Site Costs.....	4-3
4.3.1.2	Embellishment.....	4-4
4.3.1.3	CONTRIBUTION CALCULATION.....	4-5
4.3.2	SPORTING and MAJOR RECREATION FACILITIES.....	4-6
4.3.2.1	PLAN AREA.....	4-7
4.3.3	CONTRIBUTION CALCULATION.....	4-9
4.4	COMMUNITY FACILITIES.....	4-10
4.4.1	COUNCIL AREA WIDE.....	4-10
4.4.1.1	PORT STEPHENS CULTURAL CENTRE.....	4-10
4.4.1.2	COUNCIL WIDE COMMUNITY FACILITIES STUDY.....	4-11
4.4.2	INTER PLAN AREAS.....	4-12
4.4.2.1	COMMUNITY BUS SERVICE.....	4-12
4.4.3	PLAN AREA.....	4-12
4.4.3.1	MULTI-PURPOSE COMMUNITY CENTRE.....	4-12
4.4.3.2	MULTI-PURPOSE CHILD CARE CENTRE.....	4-12
4.4.4	CONTRIBUTION CALCULATION.....	4-13
4.5	ROADWORKS - (ROAD HAULAGE CONTRIBUTION).....	4-15
4.5.1	COUNCIL.....	4-15
4.5.2	ROAD MAINTENANCE AND IMPROVEMENTS (INCLUDING INTERSECTION UPGRADES).....	4-15
4.6	S94 TILLIGERRY PENINSULA DISTRICT ROADWORKS STRATEGY PLAN.....	4-17
4.6.1	PURPOSE OF PLAN.....	4-17
4.6.2	RELATIONSHIP TO OTHER DOCUMENTS.....	4-17
4.6.3	DEVELOPMENT THAT IS REQUIRED TO CONTRIBUTE TO THIS PLAN.....	4-17
4.6.4	RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL ROADWORKS.....	4-17
4.6.4.1	NEXUS.....	4-17
4.6.4.2	CAUSAL NEXUS.....	4-17
4.6.4.3	PHYSICAL NEXUS.....	4-17
4.6.4.4	TEMPORAL NEXUS.....	4-18
4.6.5	EXPECTED INCREASE IN TRAFFIC GENERATION.....	4-18
4.6.6	FORMULA USED TO DETERMINE CONTRIBUTION.....	4-18
4.6.7	WHEN DEVELOPMENT IS REQUIRED TO CONTRIBUTE.....	4-20
4.6.8	ROADWORK PROJECTS PROPOSED TO BE CARRIED OUT.....	4-20
4.6.9	ESTIMATED SECTION 94 APPORTIONMENT.....	4-20
4.7	FIRE FIGHTING AND EMERGENCY SERVICES CONTRIBUTION PLAN.....	4-23
4.7.1	PURPOSE OF PLAN.....	4-23
4.7.2	AIMS OF PLAN.....	4-23
4.7.3	NEXUS.....	4-23
4.7.4	CALCULATION OF CONTRIBUTION.....	4-23
4.7.5	ALLOCATION OF CONTRIBUTION.....	4-24
4.7.6	CONTRIBUTION CALCULATION.....	4-25
4.8	LIBRARY BOOKSTOCK CONTRIBUTION.....	4-26
4.8.1	PROPOSAL.....	4-26
4.8.2	BACKGROUND.....	4-26
4.8.3	NEXUS.....	4-26
4.8.4	CONTRIBUTION CALCULATION.....	4-26
5.	WORK SCHEDULES.....	5-1
5.1	PUBLIC OPEN SPACE.....	5-2
5.2	SPORTING AND MAJOR RECREATION FACILITIES.....	5-2
5.3	COMMUNITY FACILITIES.....	5-3
5.4	ROAD WORKS.....	5-3
5.5	FIRE AND EMERGENCY SERVICES.....	5-3
5.6	LIBRARY BOOK STOCK ACQUISITION.....	5-3

6. MAPS 6-1

AMENDMENTS

Date:	Amendment:
17 th November 1999	CPI – September 1999 Quarter
12 th April 2000	CPI – December 1999 Quarter
14 th June 2000	CPI – March 2000 Quarter
30 th August 2000	CPI – June 2000 Quarter
15 th November 2000	CPI – September 2000 Quarter
17 th January 2001	Bed and Breakfast Added
30 th May 2001	CPI – March 2001 Quarter
20 th September 2001	CPI – June 2001 Quarter
8 th November 2001	CPI – September 2001 Quarter
8 th February 2002	CPI – December 2001 Quarter
23 rd May 2002	CPI – March 2002 Quarter
1 st August 2002	CPI – June 2002 Quarter
30 th October 2002	CPI – September 2002 Quarter
31 st October 2002	Library
13 th February 2003	CPI – December 2002 Quarter
26 th June 2003	CPI – March 2003 Quarter
12 th November 2003	CPI – September 2003 Quarter
12 th February 2004	CPI – December 2003 Quarter
20 th May 2004	CPI – March 2004 Quarter
26 th August 2004	CPI – June 2004 Quarter
4 th November 2004	CPI – September 2004 Quarter
10 th February 2005	CPI – December 2004 Quarter
16 th April 2005	Council Area Wide Community Facilities Study
5 th May 2005	Amend Clause 2.6 “Management” to include Support and Overhead Costs
5 th May 2005	CPI – March 2005 Quarter
6 th August 2005	CPI – June 2005 Quarter
10 th November 2005	CPI – November 2005 Quarter
9 th February 2006	CPI – December 2005 Quarter
18 th February 2006	Amend Clause 2.1 Administration – Savings and Transitional Agreements
4 th May 2006	CPI – March 2006 Quarter
15 th June 2006	Replace Clause 4.3 - Open Space and Recreation Category

1. PLAN SUMMARY

1.1 NAME

This Contributions Plan is referred to as the Tilligerry Peninsula Section 94 Contributions Plan, 1998. It has been prepared in accordance with the provisions of Section 94 of the Environmental Planning & Assessment Act and Part 4 of the Regulations. The Plan applies to Plan District No.5 (see map - page 1-4).

1.2 PURPOSE

The purpose of this Plan is to enable Council to require a Contribution from developers towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development.

The Plan is structured to:

- a) ensure an adequate level of public infrastructure is provided in Tilligerry Peninsula as development occurs;
- b) enable the Council to recoup funds which it has spent in the provision of public facilities in anticipation of likely future development;
- c) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development; and
- d) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis.

1.3 AREA TO WHICH TILLIGERRY PENINSULA SECTION 94 CONTRIBUTIONS PLAN APPLIES

This Plan applies to all land within the Tilligerry Peninsula Section 94 Contributions Plan identified as Plan Area “5” on the Section 94 Contributions Plan Area Map (refer map - page 1-4), and includes the following localities:

Lemon Tree Passage, Mallabula, Oyster Cove, Tanilba Bay.

1.4 LEGISLATION

Section 94 of the Environmental Planning and Assessment Act, 1979 provides, “inter alia” -

“(1) Subject to subsection (2), where a consent authority is satisfied that a development, the subject of a development application, **will or is likely to require the provision of or increase the demand for public amenities and public services within the area**, the consent authority may grant consent to that application subject to a condition requiring -

- a) the dedication of land free of cost; or
- b) the payment of a monetary contribution, **or both**.

(2) A condition referred to in subsection (1) shall be imposed only -

- a) -
- b) to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services mentioned in that subsection.”

1.5 CITATION

The Plan

The Tilligerry Peninsula Section 94 Contributions Plan has been prepared in accordance with Section 94 AB of the Environmental Planning and Assessment Act, 1979. The Plan was adopted by Council at a meeting held on the **15th June 1999** and came into effect on the **23rd June 1999**.

This Plan repeals the Port Stephens Shire Contributions Plan No.5 - Tilligerry Peninsula, adopted on the 20th January, 1993 as amended.

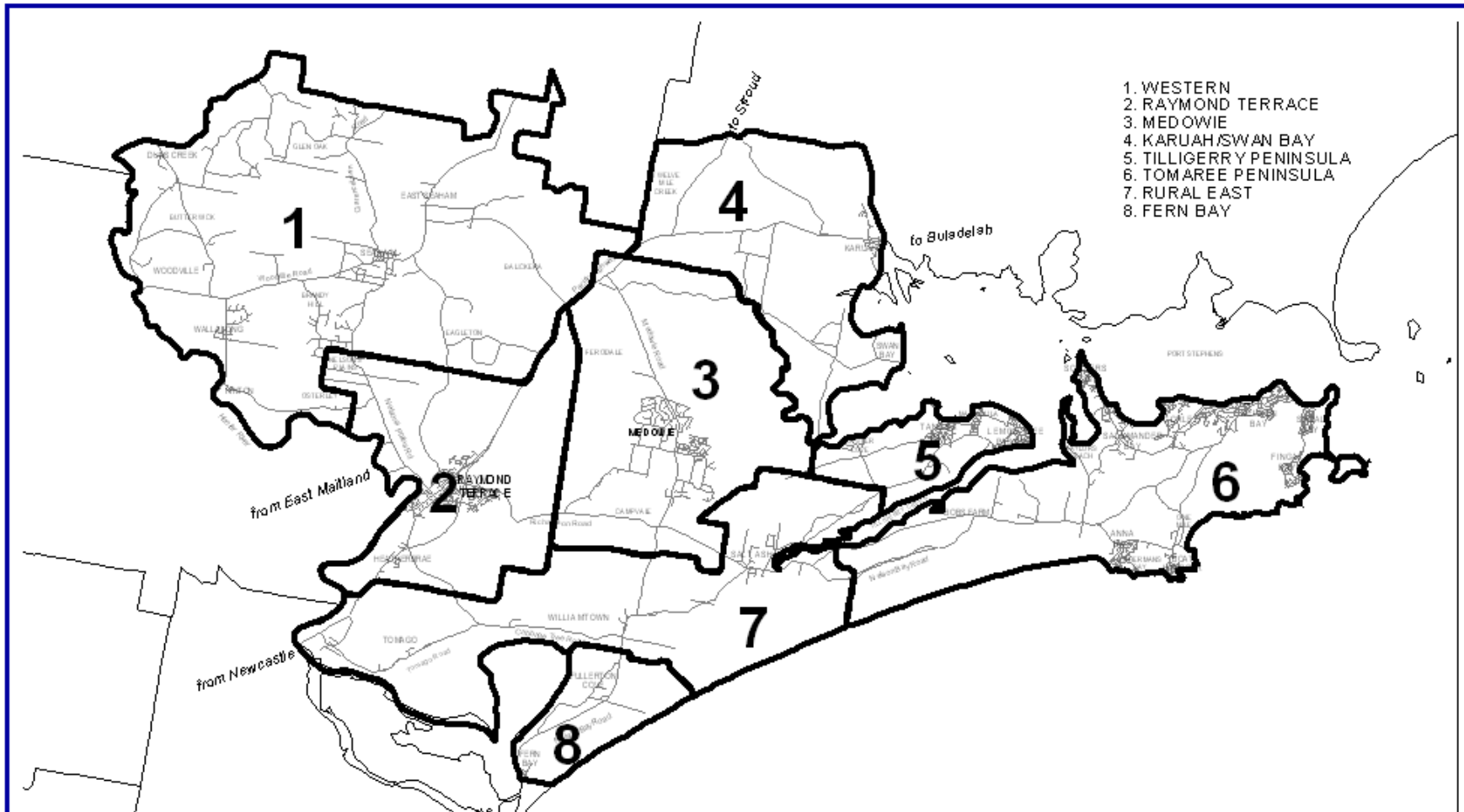
Any residue Section 94 Contributions and unexpended cash from the repealed Plan will be transferred to this Plan. Cash held will be utilised as identified in the Work Schedule.

1.6 OPERATIONAL

1. Summary of Contributions.
2. Plan of Contributions Area (Plan District No. 5)

Project and Plan Application	Contribution - General (additional lot or dwelling)	Permanent Caravans/Mobile Homes (1) & Tourist Accommodation (2) (per unit)	Bed and Breakfast Per Bedroom After 1st
	\$	\$	\$
Public Open Space and Parkland	1444	722	361
Sporting and Major Recreation Facilities	2643	1321	760
Community Facilities	801	401 *Only applies to Permanent Caravans/Mobile Homes	
Roadworks	828 (9 Vehicle Trips / day)	276 (3 Vehicle Trips / day)	138 (1.5 Vehicle Trips / day)
Fire & Emergency Services	245	123	63
Library Bookstock	122	62 *Only applies to Permanent Caravans/Mobile Homes	

Road Levy – Traffic Generation (per Vehicle Trip per Day)	92
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<p>1 SG 56/1</p>	<p>Port Stephens COUNCIL <i>... a community partnership</i></p> <p>Port Stephens Local Government Area Section 94 Contribution Plan Areas</p> <p>116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4980 0235 Fax: (02) 4987 3812 Email: council@portstephens.nsw.gov.au</p>	<p>DISCLAIMER</p> <p>Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained by the relevant officers at council.</p> <p>© Department of Information Technology & Management 2000 © Port Stephens Council 2000</p> <p>This map is not to be reproduced without prior consent.</p> <p>SCALE 1:250000 PRINTED ON: 17.07.02</p>	<p>SHEET LOCALITY</p> <p>PORT STEPHENS COUNCIL LOCALITY</p> <p>SYDNEY</p>
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2. ADMINISTRATION PROVISIONS

2.1 CONTRIBUTIONS

2.1.1 CONTRIBUTION STRUCTURE

Contributions may be required in the following categories -

- a) Council area Contribution
- b) Plan area Contribution
- c) Inter Plan areas Contribution
- d) Location or Site specific Contribution

2.1.2 ASSESSMENT OF CONTRIBUTION

Assessment of the amount of Section 94 contribution for specified amenities and services will be based on the increase in population generated by development and an assessment of the increased level of demand created for additional amenities and services. The amount of the contribution will be based on relevant factors, such as:

- additional lots in the case of subdivision;
- additional dwellings in the case of medium density development (including duplex and dual occupancy development);

[Note: defined as “additional lot or dwelling” in Part 4 - Contributions.]

- additional residential units in the case of Permanent Mobile Homes (Unregisterable Moveable Dwellings) and Caravans;
- additional accommodation units in the case of defined categories of Tourist Accommodation;
- the provision of a facility, service or land considered necessary for the increase in demand, identified by recognised and reasonable standards;
- additional traffic generated, in the case of roadworks contributions;
- the demand for the maintenance and upgrading of infrastructure such as roads and services, resulting from development.

2.1.3 CALCULATION OF CONTRIBUTION

The formula for calculating the amount of contribution will vary according to the type of amenity or service to be provided. It is based on a consideration of:

- the additional demand generated by a development, based on a calculation recognising the additional population, dwellings, traffic or other relevant factors;
- the current capital cost of providing the amenity or service including, where appropriate, the current cost of acquiring land.
- The calculation will be rounded up or down from 50¢ to the nearest dollar.

2.1.4 DISCOUNT OF CONTRIBUTION

2.1.4.1 GENERAL

Where circumstances warrant, at the complete discretion of Council, the contribution may be varied to a lesser amount or waived.

2.1.4.2 GRANNY FLATS

Council will consider waiving of the relative Section 94 contribution, for a free standing, 1 bedroom mobile home type structure, provided by a family to accommodate an aged parent(s).

Any proposal must be supported by a Statutory Declaration as to circumstance of occupation of the accommodation unit.

All applications will be considered on a merit basis, with time limited consent to a maximum of five (5) years.

2.1.4.3 TOURIST ACCOMMODATION

Proposal

Recognising the impact tourist accommodation development and tourist visitation has on the provision of Council facilities and services, a Section 94 Contribution will be required towards the provision of amenities within the categories of Open Space/Recreation Facilities, Roads and Intersections and Fire Fighting and Emergency Facilities.

The Contribution will apply to new Tourism Accommodation developments (as defined).

The Section 94 Contribution will be 50% of the general contribution applicable for the defined facilities in all Plan areas within the Port Stephens local government area (see map - page 1-4).

Background

Tourism is a significant factor in the demography of the Port Stephens Local Government area, as illustrated by the following schedule:

YEAR	VISITORS	VISITOR NIGHTS
92/93	525,000	1,544,000
93/94	552,000	1,589,000
94/95	614,000	1,795,000

The measure of tourist/visitor impact on Council facilities may be gauged by the above figures. The number of visitor nights for 1994/95 represents 4918 persons per night or 9.5% of the area population. As at the 30th September, 1995 there were 29 Hotels/Motels, 994 Holiday accommodation units and 19 Caravan/Cabin Parks providing tourist accommodation in the Council area, catering for the visitations indicated.

(source - Council Meeting Information Report No. 4 - 10th September, 1996)

Nexus

Continuing growth in the development of Tourist Accommodation, which is occurring over the whole Council area, as well as the traditional coastal fringe, will create an increase in demand for the provision of Council facilities.

Tourist visitation creates an additional demand in excess of permanent population demand, for facilities such as roads, parking, cycleway, boat ramps, tourist information services, foreshore and beach facilities, wharf and aquatic facilities, playing field facilities and passive open space.

The level of demand on the facilities varies with the category and stay time at the Tourist Accommodation provided, but there is an increase in demand, over that of the permanent population.

Calculation

The average occupation level in 1994 for Hotels/Motels, Holiday Units and Caravan/Cabin Parks was 50%. This proportion will apply to the general Section 94 Contribution in each Contribution Plan for the categories of **Public Open Space, Recreation Facilities, Fire Fighting and Emergency Facilities.**

The contribution will apply to Tourist Accommodation such as Hotels, Motels, Serviced Apartments, Resort Units, Tourist Cabin/Cottages, Non Permanent Caravan and Mobile Home sites on an additional unit basis.

The Contribution will be 50% of the general level for the categories indicated.

The Contribution for roadwork will be in accordance with that section.

2.1.4.4 PERMANENT MOBILE HOMES (Unregisterable Movable Dwellings) AND CARAVANS

The 1996 Census indicated an occupancy rate of 2.84 persons per dwelling for the Port Stephens Council area. The occupancy rate for caravan/mobile home type dwellings was 1.7 persons, or 61% of the overall rate.

Occupants of permanent caravans and mobile homes impose similar demands for the provision of Council facilities and services as occupants of houses, medium density dwellings and flats.

Recognising the level of recreation amenities provided in permanent Caravan and Mobile Home Parks, it is Council Policy to only require a 50% Section 94 Contribution for new developments for the categories indicated.

A Section 94 Contribution will be required for the categories of **Public Open Space, Recreation Facilities, Community Facilities, Fire Fighting and Emergency Facilities and Library Bookstock Acquisition.**

The Contribution will be 50% of the general level for the categories indicated.

A Contribution will also be required for the category of roadwork as detailed in that section.

2.1.4.5 AGED & DISABLED PERSONS ACCOMMODATION DEVELOPMENT

This Plan proposes to require certain Contributions, where considered warranted, for Aged and Disabled Accommodation Development under State Environmental Planning Policy No.5. It is recognised that the Ministerial Direction of the 1st June, 1987 prevents such Contributions, but application for waiver may be made, as provided in the Direction, on a merit basis for individual development applications.

2.1.4.6 BED AND BREAKFAST ESTABLISHMENTS

Occupants of Bed and Breakfast establishments impose similar demands on the provision of Council facilities and services as Tourist Accommodation elsewhere defined.

However it is recognised that the average occupancy for these establishments are near 50% of other Tourist Accommodation types (reference Council report 10 October 2000).

Calculation

The Contribution will apply for the categories of Public Open Space, Recreation Facilities, Fire Fighting and Emergency Facilities, and Roadworks. The Contribution will be 25% of the residential level for the categories indicated.

The Contribution will be applied per bedroom used for Bed and Breakfast in excess of the first one.

2.1.5 SAVINGS AND TRANSITIONAL AGREEMENTS

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

2.2 ADMINISTRATION

2.2.1 ADJUSTMENT OF CONTRIBUTION

2.2.1.1 CPI VARIATIONS

So that relativity may be maintained between all Contributions and the cost of works in the Plan:-

- Provision will be made in Development Consents for variation in the Contributions to accord with movement in the Consumer Price Index.
- Contributions in Plans will be varied **quarterly** to accord with movement in the Consumer Price Index.

The Consumer Price Index calculation will be based on the weighted average of eight capital cities, issued quarterly by the Australian Bureau of Statistics.

Land Cost

The value assessed for land acquisition cost will be reviewed at least, on an annual basis and this factor will be varied, as necessary, to reflect current costs.

2.3 PAYMENT

2.3.1 SETTLEMENT OF CONTRIBUTION

The contribution shall be settled according to the requirements of the development consent.

2.3.2 TIMING OF SETTLEMENT

Settlement of monetary contributions, or completion of a Material Public Benefit agreement shall be finalised at the following stages:

- Development applications for subdivision - prior to release of the subdivision certificate;
- Development applications for building or other work - prior to the issue of the construction certificate;
- Applications for both work and subdivision – prior to the issue of the construction certificate or release of the subdivision certificate, whichever comes first; or
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent.

2.3.3 DEFERRED PAYMENT

Council, at its complete discretion, may permit the settlement of the Section 94 monetary contribution on a deferred basis.

Such a request must:

- be made in writing by the applicant, and
- satisfy the Council that there are valid reasons for deferral.

The decision to agree to such a request will be at the complete discretion of Council.

If the application for deferral is accepted, the following conditions will apply:

- Deferral of settlement will be for a maximum of one year or until commencement of use in accordance with the conditions of consent (whichever comes first);
- A **bank guarantee** will be required to be lodged for the full value of the contribution and the estimated CPI for twelve (12) months as determined by Council;
- Indexing will be calculated from the date the contribution was due until the date of payment;
- Council reserves the right to terminate such an agreement at any time and upon written notice to the applicant, the applicant will be required to make the contribution.

2.3.4 DEDICATION OF LAND

A decision as to whether to require the dedication of land free of cost to Council, will be at the complete discretion of Council. Factors Council will take into consideration include:

- The extent to which the land satisfied a community need;
- The extent to which the land satisfies the purpose for which the contribution was sought;
- A consideration of location and other factors which may affect the benefit to Council and the community;
- An assessment of recurrent maintenance costs to Council.

2.3.5 PROVISION OF A MATERIAL PUBLIC BENEFIT

Section 94(2c) of the Environmental Planning and Assessment Act, 1979 provides, inter alia:

“The consent authority may accept -

- (b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (2A)”.

A decision as to whether to accept the provision of a material public benefit (MPB) will be at the complete discretion of Council. Factors Council will take into consideration include:

- The extent to which the MPB satisfies a community need;
- The extent to which the MPB satisfies the purpose for which the contribution was sought;
- A consideration of location and other factors which may affect the benefit to Council and the community;
- An assessment of recurrent maintenance costs to Council;
- The value given to a MPB will be based on Council’s professional assessment of the cost of providing the MPB;
- An assessment of the effect the acceptance of the MPB will have on the adopted Works Schedule of the relevant Section 94 Contributions Plan.

2.3.6 REFUNDING OF SECTION 94 CONTRIBUTIONS

Council at its complete discretion, may consider a refund of a contribution where:

- The development consent lapses, is superseded, is surrendered or the development does not proceed and the Contribution has not been spent.
- It appears unlikely that the public facility can be provided or that the ongoing costs cannot be met and a suitable alternative facility cannot be provided.
- Consideration will be given to the costs incurred by Council in administering the development application under review.

2.4 ACCOUNTABILITY

2.4.1 ACCOUNTING FOR SECTION 94 CONTRIBUTIONS

Council has established identifiable accounts for the management of Section 94 Contributions, providing detail of financial transactions for specific categories of works and contributions. Contributions will be spent as provided by the relative Plan, in the time specified. Interest will be calculated on funds held for each Plan category and credited as appropriate.

Council will maintain a Register of all contributions received. The register will record:

- the name of the contributions plan for which the contribution is being levied;
- the origin of each contribution by reference to the development consent to which it relates;
- the type of contribution to be received, eg. Money, land or material public benefit;
- the date of receipt of the contribution.

2.4.2 ANNUAL STATEMENT

Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions, in accordance with Clause 34 of the Regulation of the Environmental Planning and Assessment Act, 1979. This information will be available for public inspection, free of charge, at any time during normal office hours.

2.5 REVIEW

2.5.1 REVIEW OF CONTRIBUTIONS PLANS

The administration of Section 94 Contributions Plans is to be reviewed at least annually. Matters to be reviewed shall include, but shall not be limited to:

- Contributions - all contributions will be indexed in line with the movements in the Consumer Price Index (CPI) and current land acquisition costs.
- Demographic Trends - a review of population trends will be undertaken, using Council and other relevant data, development and building trends, Census data and the Council Community Profile.
- Works Programme - a review of the items in the works programme will be undertaken to ensure that priorities remain consistent with population trends and demand. **The review will include any reassessment needed of estimated costs.**
- Contributions Collected - the balance of all Section 94 funds held will be under constant review in order to ensure that as funds become available for programme items, action is undertaken promptly to ensure provision of nominated facilities.

Any material change in the Plan will require that the Plan be amended in accordance with Section 94 AB of the Environmental Planning and Assessment Act, 1979 and the relevant Regulations. This will require public exhibition of the amended plan and consideration of submissions received.

2.6 MANAGEMENT

2.6.1 PREPARATION & MANAGEMENT OF PLANS

To prepare Section 94 Contributions Plans, provide for the ongoing administration of Plans and the preparation of new Plans, requires Council to provide resources and expend funds for these purposes. This is a significant ongoing management function.

The management and administration of Plans requires the employment of a Section 94 Co-ordinator and an Administrative Assistant. Council is also required to provide staff and computer support and office facilities for these employees.

2.6.2 NEXUS

The services provided by the employees dedicated to Section 94 management and administration are attributable to the increase in demand for public amenities and services created by new development.

The services are provided for the management and administration of all Section 94 Contributions Plans. It is considered reasonable and equitable that a management charge apply to the management and administration of the Section 94 Contributions Plans.

2.6.3 MANAGEMENT CONTRIBUTION

The basis of assessment of the Contribution is:

Council Area Data

Salaries of Section 94 Co-ordinator, Administrative Assistant and administration costs.

Salaries and oncost for 2004/05 -	\$90,050
Supporting requirements (advertising, legal, consumables, etc)	\$12,200
Corporate overheads	<u>\$45,973</u>
Total Annual Management cost	\$148,223

Estimated total Section 94 Contributions for all Plans = \$25,828,214.

Council Area Contribution =

i) Estimated Management costs for period 2006/2016 (10 years)	<u>\$1,482,230</u>
ii) Estimated Section 94 Contribution for period	\$25,828,214

Management contribution = 5.74%

= 6.0% of Contribution applied per lot or equivalent dwelling.

Allocation of management contribution in the S94 Contributions Plans.

The Management Contribution will be proportionately levied and included in the amount of the contributions within the plan, as detailed in Part 4.

2.7 COMPLYING DEVELOPMENT

An accredited certifier must, if an application is made in this Section 94 Plan District, and a complying development certificate is issued, impose a condition requiring a Section 94 monetary contribution in accordance with the requirements of this Section 94 Plan.

3. STRATEGY

3.1 Nexus.

(What is the relationship of expected development and demand for additional public facilities?)

This Part establishes the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

3.1.1 CAUSAL NEXUS

The anticipated increase in resident population will:

- a) place greater demands on existing public facilities, and
- b) require the provision of new public facilities which are not currently available or which may be available but of insufficient capacity to cater for the anticipated increased demand.

The nexus between anticipated development and the nominated public facilities has been established having regard to:

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

This plan includes a schedule of public facilities which are required as a consequence of anticipated types of development. The cost of the provision of these public facilities will be met in total or part, or be recouped from new development.

The proposed public facilities will be carried out or have already been carried out, to meet the likely needs and increasing usage of public facilities as a consequence of new development, or in anticipation of new development.

3.1.2 PHYSICAL NEXUS

This plan identifies the location of the public facilities to be provided relative to the communities which they are intended to service. The location of facilities has been determined having regard to the location of increased demand, accessibility to the identified public facilities and the manner in which such need may best be satisfied.

3.1.3 TEMPORAL NEXUS

Only those public facilities which are required as a consequence of anticipated development up to the year 2007 are included in the Works Program. Timing for the provision of these works is based on the projected population growth.

3.1.4 WHAT ARE THE TYPES OF DEVELOPMENT IN THE TILIGERRY PENINSULA?

The Tilligerry Peninsula Plan area contains the towns of Oyster Cove, Tanilba Bay, Mallabula and Lemon Tree Passage. The urban structure is predominately separate lot dwellings. An area shopping centre is located in Tanilba Bay, with convenience shopping in Lemon Tree Passage.

Light service industries are established for local needs.

It is expected that the projected growth will follow the existing residential pattern, guided by relevant planning controls.

3.1.5 WHAT IS THE EXPECTED INCREASE IN POPULATION?

It is anticipated that the population increase of 1,404 between 1997 and 2007 will require a further 540 new dwellings, based on the 1996 Census occupancy factor of 2.6.

The increase in residential population has been based on consideration of:

- significant increase in population in the period 1986 to 1991 - an average increase of 5.3% per year;
- the continuation in growth for the period 1991 to 1996 - an average increase of 1.3% per year;
- potential land availability and affordability.

Population growth is expected to require some 54 additional lots or dwellings per year.

The following TABLES support the above assessments:

POPULATION PROJECTIONS			
Year	Population	Increase	% Increase P.A.
1986	4,064		
1991	5,143	1,079	5.3
1996	5,466	323	1.3
1997	5,552		
2007	6,956	1,404	5.1

POPULATION PROJECTIONS		
Year	Period	Population Increase
2000	3 years	422
2002	5 years	702
2007	10 years	1,404

OCCUPANCY FACTOR - 1996 CENSUS
2.6 Persons Per Occupied Dwelling

POTENTIAL LOT/DWELLING REQUIREMENT		
Year	Period	Potential Lots/Dwellings
2000	3 years	162
2002	5 years	270
2007	10 years	540

3.1.6 TO WHAT EXTENT WILL THE PROPOSED PUBLIC FACILITIES MEET THE NEEDS OF THE POPULATION?

The proposed public facilities identified in this plan are required to satisfy the anticipated demands of the expected developments in the Tilligerry Peninsula.

The Tilligerry Peninsula already provides some of the public facilities likely to be required by the expected developments. However, these public facilities generally satisfy the needs of the existing population and in most cases there is no spare capacity available to serve the additional demand created by the incoming population.

It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of expected development.

3.1.7 WHAT PUBLIC FACILITIES ARE REQUIRED?

Based on the forecasted increase in population, the following facilities are required - a range of community and recreation facilities to cater for a community with significant child and ageing groups.

3.1.8 WHAT PUBLIC FACILITIES ARE TO BE PROVIDED?

Details of the facilities that will be provided are outlined in Part 4 - Contributions and Part 5 - Work Schedule.

4. CONTRIBUTIONS**4.1 CATEGORY**

This Plan provides for Section 94 Contributions in the following categories:

1. Public Open Space and Parkland
2. Recreation Facilities
3. Community Facilities
4. Roadworks
5. Fire Fighting & Emergency Services
6. Library Bookstock Acquisition

4.2 APPLICATION

Section 94 Contributions will be levied according to their impact within the Plan area; on an (a) Council, (b) Inter-Plan, (c) Plan or (d) site specific basis. The type of facility to be provided and its utilisation by the forecasted increase in population will determine the amount of the levy.

- a) Council
- b) Inter Plan
- c) Plan, or
- d) Site Specific

4.3 OPEN SPACE & RECREATION FACILITIES

4.3.1 PUBLIC OPEN SPACE & PARKLAND.

The area of existing public open space and parklands in the Tilligerry Area Section 94 Planning district for which Council is responsible are scheduled as follows:

Facility	Hierarchy (L,N,D)	Existing Provisions (ha)
Areas of Cultural significance	Local & District	0
Sports grounds	Local & District	82.8
Natural Areas	Local & District	100.9
Urban Parks	Local & District	3.7
Foreshore	Local & District	53.4
General Community Use	Local	1.8
Total		242.6

#Note: excludes active recreation sports playing area.

The ratio of public open space and parkland to population, as at June 2001 was:

Estimated Population	Ratio of Land to 1000 population
5,572	43ha/1000

Recognising the variation in size, location, quality, cost and development of public open space held, Council adopts a standard of 3ha/1000 persons. Council considers then that it generally holds by area, subject to localised or environmental requirements, sufficient public open space to cater for population needs to 2014.

The EP&A Act provides, inter alia;

“Section 94 – the consent authority may grant consent to that application subject to a condition requiring:-

(a) the dedication of land free of cost.”

Council may exercise this discretion in granting development consent. Its object would be to acquire selectively, quality public open space located relative to the requirements of increasing population or for the protection of environmentally sensitive areas and taking into account the need for Open Space requirements in accordance with the Community Services and Facilities Strategy 1999. Public recreation lands are for active and/or passive recreation and can be in an improved or unimproved form. Drainage and low lying areas, ridge lines, steep areas that cannot be used will not be accepted. Nor will land that is not suitable for use or improvement due to soil type, size, accessibility, adjoining land uses, land capability, existing vegetation types, topography.

Where dedication is not required or is not practicable, a contribution will be required towards the cost for the provision of site and embellishment costs of previously acquired open space land, recognising the area of land Council has already acquired for public open space.

The assessment of nexus and demand has been based upon the analysis of demographic figures with reference to the adopted standards, plus the reports and studies already undertaken by Port Stephens Council, including but not limited to the following:

- The Community Services and Facilities Strategy 1999
- Open Space Study
- Beyond 2000 Study
- Community Services Survey 1995
- Community submissions
- Tilligerry Sports Development Strategy
- Port Stephens Skate-Park Strategy

The following factors, as identified in the Community Services Survey 1991 and the Community Profile 2004, are relevant in establishing the development and demand for open space and recreation facilities:

- All forms of residential/rural residential development will result in an increase in population of an area and a corresponding increase in demand, for certain facilities, services and infrastructure including open space for general 'day to day' use by the local population.
- Public Recreation land in this regard is defined as all land which can be used for both passive and active forms of recreation. Therefore it may include natural reserves (passive) or sports fields (active) and improved or unimproved land.
- Protection of areas due to their conservation values.
- Contributions may be in the form of Material Public Benefit to the equivalent monetary value where in the opinion of Council this is considered more appropriate.

4.3.1.1 Site Costs

The site preparation in preparing virgin Open Space land for suitable recreation use include:

- tree & scrub removal/pruning;
- recontouring land to suitable grades;
- turf establishment;
- Drainage

The average cost of this preparation is \$35,000 per hectare

Based on the standard of 3 ha per 1000 persons = \$35,000 x 3
= **\$105,000** per 1000 persons

4.3.1.2 Embellishment

Embellishment items are indicative only and will be determined at the time of improvement taking into account conditions of areas and resident requirements.

Section 94 funds will be allocated on a merit and needs basis to match development and increased population throughout the Plan area.

Local Park and Playgrounds:

1 per 800 persons of minimum 0.3 ha and within 500 metres of residences

Item	Items per 0.3 ha Park	Total Cost
Playground & Equipment	1	\$35,000
Seating	2	\$4,000
Shelter	2	\$10,000
Tree Planting/landscaping	0.1 hectare	\$7,000
BBQ/Shelter Structure	0.25	\$5,000
Picnic Setting	0.25	\$4,000
Potable Water/ Electricity	1	\$20,000
		\$85,000

Average embellishment cost **\$85,000** per local park.

Neighbourhood and District Parkland Reserves:

1 per 4,000 persons of minimum 1ha and within 5km of residences.

Item	Items per 1 ha Park	Total Cost
Playgrounds & Equipment	1	\$40,000
Seating	8	\$12,000
Shelter	4	\$20,000
Tree Planting/ Landscaping	0.3 ha	\$15,000
BBQ/Shelter Structure	2	\$16,000
Picnic Facilities	2	\$8,000
Public Amenities	1	\$150,000
Potable Water/ Electricity	1	\$20,000
Pathways	1 km	\$40,000
Carparking	20	\$30,000
Signage	2	\$4,000
		\$355,000

Average embellishment cost **\$355,000** per Neighbourhood/District Reserve

4.3.1.3 CONTRIBUTION CALCULATION

Facility	Cost per Item	Population Served	Cost per 1,000 population
Site Costs	\$90,000	1,000	\$105,000
Local Parks, Playgrounds	\$64,000	800	\$85,000
Neighbourhood/District Parkland Reserve	\$254,000	4,000	\$355,000
Total			\$545,000

The occupancy factor for Tilligerry Area S94 Plan is 2.5 (2001 Census).

$$\begin{aligned}
 \text{Cost per Lot} &= \text{Cost per person} \times \text{occupancy factor per household} \\
 &= (\$545,000/1,000) \times 2.5 \\
 &= \$1,362.50
 \end{aligned}$$

The following formula is used for the calculation of the Section 94 contribution for Open Space & Parkland.

Contribution	=	\$1,362.50
Management Charge	=	\$ 81.75
S94 Contribution	=	<u>\$1,444.25</u>

The Section 94 contribution per additional lot or dwelling is **\$1,444**.

4.3.2 SPORTING and MAJOR RECREATION FACILITIES.

The existing recreation facilities are scheduled in the following Table.

Facility	Existing Provisions
Sportsfields	7.84ha
Tennis Courts	2 courts
Netball Courts	2 courts
Skate Park	1
BMX track	1

The present population estimate, for 2005 is 6,000 with a forecast population of 7,700 in 2015, an increase of 1,700 persons.

The assessment of nexus and demand has been based upon the analysis of demographic figures with reference to the adopted standards, plus the reports and studies already undertaken by Port Stephens Council, including but not limited to the following:

- The Community Services and Facilities Strategy (Adopted by Council 16 Feb 1999)
- Open Space Study
- Beyond 2000 Study
- Community Services Survey 1995
- Community submissions
- Leisure Study
- Community Profile (1995/96)
- Community questionnaires
- Tilligerry Sports Development Strategy

It is available to Council to require Section S94 Contributions for the addition to existing facilities and for new facilities. Utilising this method, the facilities to be provided by developers to meet the increase in demand created by the increase in population would encompass the embellishments listed below.

Recognising the impracticability of part provision of facilities proportionate to population increase and the variation that can occur in annual development rates, Council will proceed with specific projects that can be provided in a reasonable period to cater for the increase in recreation facility demand for the period of the Plan, as well as current population needs.

The following projects to be undertaken in the term of the Plan have been adopted under Council's Sport and Recreation Forward Works Program at its meeting of 25 February 2003. The projects listed are indicative only and subject to change in accordance with that program. The specific items will be determined as the needs arise based on those community profiles and resident requirements at the time of improvement.

4.3.2.1 PLAN AREA

1. *Project* 25m Indoor Pool and amenities
Location: Mallabula
Estimated Cost: **\$1,954,500** (2 stages)
 - Stage 1 - \$704,500 - 1997/98
Design and construction of 25 metre outdoor heated pool
 - Stage 2 - \$1,250,000 - 2008/09
Enclosure of pool to indoor complex, additions to change rooms/amenities and kiosk/café area.

The total estimated cost of Stages 1 to 2 subject to Section 94 contribution assessment is \$1,954,500. It is considered reasonable that the estimated cost be proportioned between existing and forecasted population.

The forecasted population increase is 1,700 or 22% of the total forecasted population of 7,700. The proportion of the specific project estimated cost of \$1,954,500 attributable for section 94 calculation is **\$429,990**.

2. *Project* Mallabula Sports Complex Masterplan
Upgrade existing facilities
Location: Mallabula
Estimated Cost: **\$1,247,500**

Item	Estimated Cost	Timing
Fencing to #1 field	\$28,000	2005
Floodlighting	\$49,500	2006
Stage 1 Roadworks	\$200,000	2006
Stage 2- amenities upgrade	\$450,000	2007
New cricket wicket	\$10,000	2008
Access restrictions	\$50,000	2008
Dressing shed works at #1 Field	\$150,000	2008
Surface upgrades	\$60,000	2009
Community Hall Works	\$250,000	2010

It is considered reasonable that the estimated cost be proportioned between existing and forecasted population.

The forecasted population increase is 1,700 or 22% of the total forecasted population of 7,700. The proportion of the specific project estimated cost of \$1,247,500 attributable for section 94 calculation is **\$274,450**

3. *Project* Mallabula Sports Complex Masterplan
New facilities
Location: Mallabula
Estimated Cost: **\$980,000**

Item	Estimated Cost	Timing
New playing fields	\$800,000	2007 - 2012
Lighting and power	\$180,000	2007 - 2009.

The new facilities are proposed for the expected expansion in population beyond the current year. It is therefore appropriate that these facilities be fully funded by S94.

4. *Project* Mallabula Skate Park Developments
Location: Mallabula
Estimated Cost : **\$50,000**
Timing: 2006 and 2007
Related standard: Council adopted skate park strategy

It is considered reasonable that the estimated cost be proportioned between existing and forecasted population.

The forecasted population increase is 1,700 or 22% of the total forecasted population of 7,700. The proportion of the specific project estimated cost of \$ attributable for section 94 calculation is **\$11,000**.

4.3.3 CONTRIBUTION CALCULATION

Total S94 component of projects:

Project No 1	\$429,990
Project No 2	\$274,450
Project No 3	\$980,000
Project No 4	\$11,000
Total S94	\$1,695,440

Calculation of S94 Contribution per additional person to 2015:

$$\begin{aligned} &= \text{S94 Cost of Projects/population increase} \\ &= \$1,695,440/1,700 \\ &= \$997.32 \end{aligned}$$

The occupancy factor for Tilligerry Area S94 Plan is 2.5 (2001 Census).

Calculation of Section 94 Contribution per additional lot or dwelling:

Cost per equivalent Lot/Unit	=	S94 per person x occupancy factor per lot
	=	(\$997.32) x 2.5
Contribution (as @ 17/01/2006)	=	\$2,493.29
Management Contribution (6%)	=	\$149.60
S94 Contribution	=	\$2,642.89

Section 94 Contribution per additional lot or dwelling = \$2,643.

4.4 COMMUNITY FACILITIES.

The range of existing community facilities for which Council is responsible are scheduled in the following table.

Facility	Existing Provision
Community Centre	1
Senior Citizens Centre	1
Youth Centre	1
Activity Van	Council area
Family Day Care	Council area
Mobile Library	Council area
Community Options (Aged) Programme	Council area

The present population estimate, as at the 30th June, 1997 is 5,466; with a forecasted increase to 6,956 in 2007, an increase of 1,404 persons.

The Community Facilities to be provided in this Plan are :

4.4.1 COUNCIL AREA WIDE

4.4.1.1 PORT STEPHENS CULTURAL CENTRE

Project: Port Stephens Cultural Centre
Estimated Cost: \$900,000
Project Detail: The Centre will serve the population of the Port Stephens Council area. It will accommodate the needs of a population of 71,535, forecasted for the year 2007. The cultural centre will provide a venue for arts and cultural activities and services, including static and active displays. It will be located in a major urban location, subject to community consultation.

Port Stephens Cultural Centre

Area Served = Port Stephens local government area.
 Total Cost of Facility = \$900,000
 Population at year 2006 = 71,535
 Construction Timing = 2007/2008

The proportion of cost attributable to the forecasted population increase has been calculated as follows:

- a) 2007 - 1997 population = increase in population
 71,535 - 52,445 = 19,090 or 26.7% of 2007 population
- b) Cost of Project x 26.7% = Population increase proportion
 \$900,000 x 26.7% = \$240,300

The forecasted increase in population for the Tilligerry Peninsula is 1,404, or 7.4% of the total forecasted increase. The proportion of cost to be met by the Tilligerry Peninsula Plan area is **\$17,782.**

4.4.1.2 COUNCIL WIDE COMMUNITY FACILITIES STUDY

Project:	Community Facilities Study
Estimated Cost:	\$50,000
Project Detail:	Study for the review of requirements for the future provision of Council Community Facilities

4.4.1.2.1 STUDY OVERVIEW

During the last 10 years the Port Stephens population has grown by 30%, to its current size of 61,379 people. This growth is set to continue with Council's *'Urban Settlement Strategy (October 2002)'* predicting the population will reach 114,500 people by the year 2032. Council is currently facing the challenge of ensuring an appropriate baseline level of community facilities and library services are in place to meet the needs and aspirations of this growing and ageing population.

4.4.1.2.2 PURPOSE OF THE STUDY

To:

- review the standards specified for future community facility and library provision in Council's *'Community Services & Facilities Strategy'*
- review the current provision of community facilities against appropriate baseline quantitative and qualitative baseline standards to identify any localities where there is either an under or oversupply of facilities
- review the adequacy of Council's current forward works program and Section 94 Contribution Plans to ensure the scope, type and costing of facilities specified will meet future community needs and reflect future demographic trends, government policy (eg; childcare) and is in accordance with appropriate baseline standards.

4.4.1.2.3 ANTICIPATED OUTCOMES

- specification of quantitative and qualitative baseline standards for the provision of community facilities and libraries which takes into account the scattered settlement patterns in Port Stephens and existing and future demographic trends and growth.
- identification of localities where there is a shortfall or oversupply of community facilities and where there are opportunities to consider asset consolidation.
- make recommendations on the scope of facilities required to meet future population needs with respect to areas where potential residential development may occur as detailed in Council's *'Urban Settlement Strategy'*.
- make recommendations for amendments to Council's future plans for community facilities (eg; *Section 94 Contributions Plans, Forward Works Program*) to reflect future demands.

4.4.1.2.4 CONTRIBUTION CALCULATION

Area Served	=	Port Stephens local government area.
Total Cost of Project	=	\$50,000
Project Timing	=	2004/05

The proposed study is to ascertain the needs of the forecasted population increase over the next 10 years and it is therefore reasonable to levy for this full cost from S94.

4.4.2 INTER PLAN AREAS

4.4.2.1 COMMUNITY BUS SERVICE

Project: Community Bus Service
Estimated Cost: \$110,000
Timing: 1998/99
Project Detail: The service will be provided for the residents of the Tomaree Peninsula, Tilligerry Peninsula and Rural East Plan areas.

The community bus service will be a 30 seat capacity vehicle, servicing the nominated plan areas, enabling residents to access community services.

The proportion of cost attributable to the forecasted population increase has been calculated as follows:

	<u>Population 1997</u>		<u>Population 2007</u>	<u>Increase</u>
Tomaree Peninsula	19,222	25,756	6,534	
Tilligerry Peninsula	5,552	6,956	1,404	
Rural East	<u>2,726</u>	<u>3,008</u>	<u>282</u>	
TOTAL:	<u>27,500</u>	<u>35,720</u>	<u>8,220</u>	

The forecasted population increase is 23% of the total population at 2007. The total section 94 contribution required for the project is (\$110,000 x 23%) \$25,300.

The proportion of the population increase in the Tilligerry Peninsula Plan area is 17.1%.

The proportionate Section 94 contribution is **\$4,326**.

4.4.3 PLAN AREA

4.4.3.1 MULTI-PURPOSE COMMUNITY CENTRE

Project: Multi-purpose Community Centre
Location: Mallabula
Estimated Cost: \$900,000
Timing: 2002/03
Detail: Provision of auditorium, kitchen facilities, community meeting space & office facilities

4.4.3.2 MULTI-PURPOSE CHILD CARE CENTRE

Project: Multi-purpose Child Care Centre
Location: Tilligerry Peninsula
Estimated Cost: \$600,000
Timing: 2004/05
Detail: Provision of 30 place long day care/child care centre

Total cost of Plan Area projects **\$1,500,000**.

The proportion of cost attributable to the forecasted population increase has been assessed as follows:

- a) 2007 - 1997 population = increase in population
 6,956 - 5,552 = 1,404 or 20.2% of 2007 population
- b) Cost of Project x 20.2 = cost attributable to population increase
 \$1,500,000 x 20.2% = **\$303,000**

4.4.4 CONTRIBUTION CALCULATION

S94 Contribution Share of Projects.

1) Port Stephens Cultural Centre	\$ 17,782
2) Community Bus Service	\$ 4,326
3) Plan Area	<u>\$303,000</u>
TOTAL:	<u>\$325,108</u>

Calculation of Section 94 Contribution:

Contribution	=	<u>Total Contribution Cost Towards Projects</u> <u>Estimated No of Lots for Plan Period</u>
	=	<u>\$325,108</u> 540
Contribution (as @ 23/6/1999)	=	\$602.05
Plus: CPI from 23 rd June 1999 to 5 th May 2005	=	\$124.05
SUBTOTAL ITEMS 1,2 AND 3:	=	<u>\$726.10</u>
Management Contribution (6% as @ 5/5/2005)	=	\$ 43.57
TOTAL ITEMS 1,2 AND 3:	=	<u>\$769.67</u>

4) Council Area Wide Community Facilities Study

The formula for calculation of the section 94 Contribution is:-

$$\begin{aligned} 2015 - 2005 \text{ population} &= \text{increase in population} \\ 79,510 - 62,290 &= 17,220 \end{aligned}$$

S94 proportion per additional person:

$$\begin{aligned} &= \text{S94 proportion of Project Costs/ Population increase} \\ &= \$50,000 / 17,220 \\ &= \$2.90 \end{aligned}$$

The occupancy factor for the S94 Plan Areas is 2.8 (2001 Census).

$$\begin{aligned} \text{Cost per equivalent Unit/Lot} &= \text{S94 per person x occupancy factor per household} \\ &= \$2.90 \times 2.8 \\ &= \$8.12 \end{aligned}$$

Contribution (as @ 16/4/2005)	=	\$8.12
Plus: CPI from 16 th April 2005 to 5 th May 2005	=	NIL
SUB TOTAL ITEM 4:	=	<u>\$8.12</u>
Management Contribution (6% as @ 5/5/2005)	=	\$0.49
TOTAL ITEM 4:	=	<u>\$8.61</u>

Total Community Facilities Contribution:

Items 1,2 and 3:	\$769.67
Item 4:	\$ 8.61
TOTAL:	\$778.27

The Total Community Facilities Contribution per addition lot or dwelling is \$778

4.5 ROADWORKS - (Road Haulage Contribution)

4.5.1 COUNCIL

4.5.2 ROAD MAINTENANCE AND IMPROVEMENTS (INCLUDING INTERSECTION UPGRADES)

A. Types of Development Required to Contribute

The Council Local Environmental Plan and the Hunter Regional Environmental Plan recognises the large sand deposits (rutile and zircon, silica and foundry) that exist in the Port Stephens local government area. The extraction and mining of these types of materials and the operation of concrete batching plants which service the large building industry in the Shire generate significant truck movements on roads within the Port Stephens Local Government Area. Therefore, Council will seek contributions from developments which generate significant truck movements on roads within the Port Stephens local government area. Such funds will be expended on road upgrading and repairs.

B. Nexus

- Substantial cross-subsidisation of road user charges occurs between road user groups, with heavy vehicles paying less than the full costs they impose on the economy. Charging the developer for a developments impact on roads and traffic is more equitable than imposing these costs on the general community.
- “Road haulage has significant community costs including noise and dust pollution increased energy usage, increased road maintenance, safety hazards, negative effects on tourism and complaints from local resident” (NSW Coal Development Strategies Industry Task Force, 1990, page 59).
- “It is within power for a Council to impose conditions under Section 94 requiring a monetary contribution towards the cost of maintenance, repair and reconstruction of classified main roads” and this power is “confined to roads within its boundaries” (Judgment in the Land and Environment Court, 1987 in Capital Quarries Pty Ltd versus Gunning Shire Council and others).
- “Road wear and tear is very obvious on any road that is used extensively by heavy trucks.” (ISC, 1986, page 476).

C. Calculation

Contribution rates will be derived from the information provided by the applicant at the development application stage, ie. A Transportation and Economic Assessment Study.

The amount of the contribution would be determined considering the existing condition of the specific road(s), its classification, the cost of road repairs on the specific length and the relative increase in heavy vehicle usage of the road generated by specific development.

D. Contribution Rate

A Transportation and Economic Assessment Study is to be undertaken by the developer as part of the Environmental Impact Statement or Statement of Environmental Effects and address the impact the increased traffic generated by the development will have on the road system.

The contribution rate will be:

Contribution = $\frac{\text{Cost of impact on road system (as derived from Study)}}{\text{Total tonnage transported by development}}$

Where the developer chooses not to undertake a Study, a nominal contribution of 4 cents per tonne per kilometre of haul route will be levied.

4.6 S94 TILLIGERRY PENINSULA DISTRICT ROADWORKS STRATEGY PLAN

4.6.1 PURPOSE OF PLAN

The Plan provides the means of levying Section 94 Contributions on defined development and expending payments received on identified local roads, on a prioritised basis, in the Tilligerry Peninsula District Plan Area.

4.6.2 RELATIONSHIP TO OTHER DOCUMENTS

This plan should be read in conjunction with the document "Section 94 Roadworks - Volume A" (September 1997) which forms part of this Plan. Volume A provides the introduction and background to formulating this Section 94 Roadworks Plan.

4.6.3 DEVELOPMENT THAT IS REQUIRED TO CONTRIBUTE TO THIS PLAN

This Plan provides for all new development that will lead to increased traffic generation to contribute. It is based on there being zero traffic generation from vacant land at the date of adoption of this plan.

4.6.4 RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL ROADWORKS

4.6.4.1 NEXUS

The Environmental Planning and Assessment Act (as amended) 1979, requires that a "nexus" (relationship) is identified between the development being levied and the projects proposed within the Plan. The "nexus" must include three aspects:- causal; physical and temporal.

4.6.4.2 CAUSAL NEXUS

- i. The anticipated increase in external traffic (to and from the development) will create a demand for improvements to the existing road network.
- ii. The nexus between the anticipated development and the improvements to the existing road network has been established according to:-
 - a) The traffic generated according to the type of development.
 - b) The expected increase in traffic as a consequence of that development.
 - c) The availability, status and capacity of the existing road network.
 - d) The extent to which the proposed road network will meet the needs of the public.
 - e) Those road projects which will be used on a collective basis within the global districts.
 - f) Apportionment of costs to reflect the sharing of the roadwork projects between existing population/road users and those users created by new development.

4.6.4.3 PHYSICAL NEXUS

The global districts have been determined having regard to the collective nexus between the road projects and the community served within those districts.

4.6.4.4 TEMPORAL NEXUS

The works schedule identifies:

- a) Projects which have been undertaken in order to satisfy future demand.
- b) Projects which are proposed to be undertaken at a timeframe related to expected income from Section 94 contributions and the Council apportioned income.

4.6.5 EXPECTED INCREASE IN TRAFFIC GENERATION

Traffic generation growth has been based on the population growth rates, as indicated by Council's Beyond 2000 Strategy - Stage 2, for each of the global districts as being the most readily available and comparable. The growth rate of 2.5% has been adopted for the Tilligerry Peninsula District Roadworks Plan

The total projected traffic generation for each Roadworks Category has been determined by extending the existing traffic generation by this growth rate over the life of each Category Plan. This then takes into consideration the growth of traffic from new development.

4.6.6 FORMULA USED TO DETERMINE CONTRIBUTION

The combined cost of the proposed projects within each category (from the Engineering Forward Works Program) is divided by the total projected traffic generation count for the Plan catchment to determine a dollar cost per vehicle trip generated. The costs per vehicle for each category are then added together to give a total Rate for each proposed catchment area. The process is outlined in the Flowcharts of Appendix B and the Calculations of Appendix C (Volume A). This formula may be expressed as follows:

Contribution Rate for Plan Area: $C^1 = \sum \{\beta\} + CPI$

where:

C^1 = Contribution Rate per vehicle generation trip.

$\sum \{\beta\}$ = Sum of β

$\beta = \left\{ \frac{\sum P}{\delta} \right\}$ = Cost per Vehicle Trip generated for each Roadworks Category

$\sum P$ = Sum of P

P = Cost of each project for that Roadworks Category

δ = Projected total vehicle generation trips at end of each Category plan time period = $\psi \times (1 + \phi)$

ψ = Sum of Daily Vehicle Generated Trips for each lot within each Plan Area at date of adoption of Plan. = 32760

ϕ = Growth Factor for each Plan Area = 2.5%

CPI = Consumer Price Index - costs will be indexed to current CPI movements.

$\sum\{\beta\}$ has been determined in accordance with following schedule for the Tilligerry Peninsula District Roadworks Plan :

CATEGORY	Total Estimate	Cost per Vehicle Trip β
Local Roads - Construction	\$2,360,000	\$51
Local Roads - Intersection Treatments	\$250,000	\$5
Local Roads - Rehabilitation	\$233,000	\$5
Local Roads - Sealing of Gravel Roads	\$350,000	\$7
Total Contribution per Vehicle Trip $\sum\{\beta\}$		\$68

Calculation of Section 94 Contribution per Vehicle Trip:

Contribution (as @ 25/3/1998)	=	\$ 68.00
Plus: CPI from 25 th March 1998 to 5 th May 2005	=	\$ 15.00
SUB TOTAL:	=	<u>\$ 83.00</u>
Management Contribution (6% as @ 5/5/2005)	=	\$ 4.98
S94 Contribution per Vehicle Trip	=	<u>\$ 87.98</u>

The Section 94 Contribution per Vehicle Trip is \$88

The total contribution for each new development is determined by multiplying this Contribution Rate by the traffic generation (Number of vehicles per day) from the new development as follows:-

Development Contribution **$C = G \times C^1$**

G = Total traffic generation from development (VPD)

These figures are readily available from the Roads & Traffic Authority Manual - "Guide to Traffic Generating Developments" and where appropriate from Traffic Studies required on new developments.

C¹ = Contribution Rate per vehicle generation trip.

For a normal residential dwelling lot this will equate as follows:-

Calculation of Section 94 Contribution per additional lot or dwelling:

Contribution per Vehicle Trip x Total Traffic Generation from Development (VPD)	=	\$88 x 9
Section 94 Contribution	=	<u>\$792.00</u>

The Section 94 Contribution per additional lot or dwelling is \$792

[Note: See Plan detail for calculation of other category developments.]

4.6.7 WHEN DEVELOPMENT IS REQUIRED TO CONTRIBUTE

- (i) Residential subdivision of vacant land:-
 - At the time of subdivision and,
 - prior to the release of the linen plan of subdivision.
- (ii) Residential dwelling:-
 - Nil (covered by (i))
- (iii) Multi - residential units:-
 - for traffic generation in excess of single dwelling,
 - at Development Application stage,
 - and prior to release of building approval.
- (iv) Commercial/Industrial Subdivision:-
 - At the time of subdivision and,
 - prior to the release of the linen plan of subdivision.

Traffic generation based on the following:-
 Floor space ratio (floor area: site area):- 0.5:1
 Commercial:- 1 Daily Vehicle Trip per 10 m²
 Industrial:- 4 Daily Vehicle Trips per 100 m²

- (v) All other development:-
 - for traffic generation in excess of (i) to (iv),
 - At Development Application stage and,
 - (a) prior to release of building approval; or,
 - (b) where no building approval is required, at release of consent

4.6.8 ROADWORK PROJECTS PROPOSED TO BE CARRIED OUT

The estimated cost and staging of the identified Roadwork Projects are included in the attached Schedule R2.

4.6.9 ESTIMATED SECTION 94 APPORTIONMENT

It is anticipated that the following Section 94 Contribution amounts will be received over the life of the Plan:

CATEGORY	TOTAL ESTIMATE	S94 ESTIMATE
Local Roads - Construction	\$2,360,000	\$674,286
Local Roads - Intersection Treatments	\$250,000	\$53,922
Local Roads - Rehabilitation	\$233,000	\$42,796
Local Roads - Sealing of Gravel Roads	\$350,000	\$100,000
SUBTOTALS	\$3,193,000	\$871,004

SCHEDULE R2

PRIORITY	LOCATION	PROJECT DESCRIPTION	WORK ESTIMATE	ANTICIPATED FUNDING PERIOD
Local Roads - Construction				
9	Tanilba Bay	DIGGERS DRIVE; Reconstruction from Peace Pde to Avenue of The Allies from 0 to 0.21	\$120,000.00	2001/02
10	Tanilba Bay	PEACE PARADE; Reconstruction from Diggers Drv to Tanilba Ave. from 0.54 to 0.82	\$170,000.00	2001/02
15	Tanilba Bay	PRESIDENT POINCARE PARADE; Construction from Lloyd George to Pershing Place. from 0.5 to 0.82	\$240,000.00	2003/04
19	Tanilba Bay	PRESIDENT POINCARE PARADE; Construction from King Albert Ave to Lloyd George. from 0.19 to 0.49	\$350,000.00	2004/05
26	Mallabula	WYCHEWOOD AVENUE; Reconstruction from 0.57 to 0.80	\$100,000.00	2006/07
32	Tanilba Bay	CLEMENCEAU CRESCENT; Reconstruction from Poilus Pde to Lloyd George. from 0.5 to 0.82	\$240,000.00	2007/08
33	Tanilba Bay	BEATTY BOULEVARDE; Reconstruction west of the Avenue of the Allies from 0 to .4	\$300,000.00	2008/09
34	Tanilba Bay	PRESIDENT POINCAIRE PARADE; Reconstruction from King Albert to Peace Parade from 0 to .25	\$190,000.00	2008/09
41	Tanilba Bay	CLEMENCEAU CRESCENT; Reconstruction from Tanilba Ave to Poilus Pde. from 0 to 0.49	\$350,000.00	2010/11
48	Tanilba Bay	KING ALBERT AVENUE; Reconstruction from Ave of Allies to Tanilba Ave from 0.3 to 0.76	\$300,000.00	2013/14
			\$2,360,000.00	
Local Roads - Intersection Treatment				
13	Tanilba Bay	DIGGERS DRIVE; Construction of roundabout on Avenue of The Allies from 0.21 to 0.26	\$250,000.00	2008/09
			\$250,000.00	
Local Roads - Rehabilitation				
10	Mallabula	WYCHEWOOD AVENUE; Section from Bay St to Tanilba Rd from 0.57 to 0.80	\$45,000.00	1999/00
53	Tanilba bay	ADMIRALTY AVENUE; Full Length from 0.00 to 0.48	\$48,000.00	2005/06
64	Lemon Tree Passage	VERA AVENUE; Section from Meredith Ave from 0.00 to 0.07	\$20,000.00	2006/07

PRIORITY	LOCATION	PROJECT DESCRIPTION	TOTAL ESTIMATE	ANTICIPATED FUNDING PERIOD
65	Lemon Tree Passage	DEAN PARADE; Full Length from 0.00 to 0.69	\$120,000.00	2006/07
			\$233,000.00	
Local Roads - sealing of gravel roads				
8	Tanilba Bay	TANILBA AVENUE; Construction & sealing from Peace Pde to King Albert. from 0 to 0.3	\$120,000.00	2006/07
9	Tanilba Bay	TANILBA AVENUE; Construction & sealing from Tilligerry Track to Poilus Pde. from 0.7 to 1.2	\$200,000.00	2007/08
19	Tanilba Bay	PERSHING PLACE; New construction 60 m at east end from 0 to 0.06	\$15,000.00	2011/12
23	Tanilba Bay	PRESIDENT WILSON WALK; Sealing south of Success St from 0 to 0.06	\$15,000.00	2013/14
			\$350,000.00	
TOTAL OF ROADWORKS			\$3,193,000.00	0

4.7 FIRE FIGHTING AND EMERGENCY SERVICES CONTRIBUTION PLAN

4.7.1 PURPOSE OF PLAN

To provide the necessary fire fighting and emergency services capacity created by the forecasted increase in population.

The Section 94 contribution will apply to all Plan areas within the Port Stephens local government area (see map - page 1-4)

4.7.2 AIMS OF PLAN

- To ensure the Council fire fighting and emergency services capacity is at least maintained to current standards during period of growth.
- To ensure the availability of funds to purchase equipment and provide services required to meet the increase in demand created by additional population.
- To ensure that there is an equitable contribution from new development in all localities of the Council area, recognising the total coverage of the fire fighting and emergency service provided.

4.7.3 NEXUS

- The Port Stephens Council has an establishment of 13 Rural Fire Service Brigades situated in the localities of:-

Anna Bay/Bobs Farm
Bowthorne/Hinton
East Seaham
Fingal Bay
Raymond Terrace
Iona/Duns Creek
Karuah

Lemon Tree Passage
Medowie
Seaham
Soldiers Point
Tanilba Bay/Mallabula
Williamtown/Salt Ash

- The Rural Fire Service, whilst directly servicing the localities in which the brigades are situated, operate on a comprehensive inter-dependent operational structure.
- The Rural Fire Service provides a Council area wide fire fighting service, both in urban and rural areas and in conjunction with the NSW Fire Brigade Service and other authorities.
- The Rural Fire Service provides a fire fighting service to all forms of the built environment, as well as undeveloped urban lot, rural land and rural property. At this stage of the Plan, the contribution requirement applies to new residential/rural residential development.
- As the Rural Fire Service operates on a Council area basis, to the benefit of all residents and developments, it is considered equitable and reasonable that the Section 94 Contribution applies on an a Council area basis.
- The Emergency Service facilities are temporarily located in Port Stephens Street with storage at Rees James Road, Raymond Terrace. The proposal is also for a Sub Branch at Corlette. These services are intended to be available and provide a service to all Plan areas of the Port Stephens local government area.

4.7.4 CALCULATION OF CONTRIBUTION

The Section 94 Contribution will apply to defined development in all Plans in the Port Stephens local government area.

Assessment of the amount of Section 94 Contribution for Fire Fighting & Emergency Services acquisition will apply to:

- additional lots in the case of subdivision
- additional dwellings in the case of medium density development (including duplex and dual occupancy development)
- Tourist Accommodation & permanent Mobile Homes/Caravans (at 50% of the general Section 94 contribution)

The estimated population of the Council area at the 30/6/97 was 52,445.

The number of Rural Fire Service Brigades servicing the Council area is 13.

The ratio of Brigades to population is 1:4,035.

The estimated population at the 30/6/2007 is 71,535.

The estimated population growth of 19,090 would require the provision of 4.7 Brigades at the current ratio of provision.

The NSW Fire Brigade provides a fire fighting service to Raymond Terrace, Fern Bay, Nelson Bay, Shoal Bay & Corlette. Whilst Council fire and emergency services are available and do also provide services to the areas nominated, it is considered reasonable to recognise the Fire Brigade Service provided, which although Council subsidises nevertheless diminishes the demand on equivalent Council services.

The N.S.W. Fire Brigade provides a service to 43% of the Council area population. A factor of 50% has been adopted for the calculation of the Section 94 Contribution for the population within the NSW Fire Brigade districts.

Based on the current ratio of Brigade provision and allowing for the N.S.W. Fire Brigade factor, a further 3.6 Rural Fire Service Brigades will be required to service the forecasted population increase of 19,090. The estimated cost of equipping a Rural Fire Service Brigade is \$310,000 (including vehicle, equipment and housing). This cost is adopted as the standard for calculation of the contribution, though brigades are located in urban and rural areas. The total cost to finance the 3.6 brigades is therefore \$1,116,000.

The Emergency Service Unit establishment cost is estimated at \$383,000. The forecasted population increase will increase demand for this service by 36%. The proportionate increase in equipping costs will be \$137,880.

4.7.5 ALLOCATION OF CONTRIBUTION

- The assessed contribution is per additional lot or dwelling. The Contribution will be used to service the area wide fire fighting and emergency services needs of the Port Stephens Local Government Area.
- Development and population increase are not evenly spread over the Council area. The rate of development is not on an even and continuous basis, but fluctuates according to local and national economic trends.
- For this reason, assessment will be made on an ongoing basis, of the level of development and population increase in localities of the local government area.

Where deemed necessary, Contributions will be utilised for specific Rural Fire Service Brigades or Emergency Services, to augment existing fire fighting and emergency services facilities or extend services and facilities to meet localised demands, but still adhering to the requirement of area wide availability and service.

4.7.6 CONTRIBUTION CALCULATION

The estimated cost of providing Fire Fighting Equipment (\$1,116,000) and Emergency Service Equipment (\$137,880) is \$1,253,880.

The estimated population increase is 19,090. Based on the Council area occupancy factor of 2.84 (1996 Census) an additional 6,731 lots or dwellings will be required to accommodate the forecasted increase in population.

Calculation of Section 94 Contribution:

Contribution	=	<u>Cost of Equipment</u> Additional lots or dwelling
	=	<u>\$1,253,880</u> 6,731
Contribution (as @ 23/6/1999)	=	\$186.28
Plus: CPI from 23 rd June 1999 to 5 th May 2005	=	\$ 38.38
SUB TOTAL	=	<u>\$224.66</u>
Management Contribution (6% as @ 5/5/2005)	=	\$ 13.48
S94 Contribution	=	<u>\$238.14</u>

The Section 94 Contribution per additional lot or dwelling is \$238

4.8 LIBRARY BOOKSTOCK CONTRIBUTION**4.8.1 PROPOSAL**

To require a Library Bookstock Acquisition Section 94 contribution from defined development in all Plan areas of the Port Stephens local government area (see map - page 1-4).

4.8.2 BACKGROUND

Council currently provides a Library Service for residents of the Port Stephens Local Government area, centred on public libraries at Raymond Terrace and Salamander Bay, with a community library at Tilligerry.

A Mobile Library Service commenced in 1997/98 which provides library services throughout the Port Stephens local government area.

4.8.3 NEXUS

The estimated increase in population of the Council area from 2002 to 2012 is 2,260 people.

This increase in population will create the demand for additional library resources.

A per capita provision of library resources (books, magazines, videos etc.) at the ratio of 1 person to 1.5 resources is based on the publication by the Australian Library and Information Association (ALIA) 1997. The publication, "Towards a quality service: goals, objectives and standards for public libraries in Australia", provides a guide for the development of library resources on the basis of the following ratios (p.52):

	Short-term	Medium-term	Long-term
Items per capita	1.5	1.75	2
Material additions per 1000 population	150	200	250

It is considered demand is related to population.

The Council Library Network of branch libraries at Raymond Terrace and Salamander Bay, a community library at Tilligerry and the Mobile Library Service will be available to the increased population, servicing the total Local Government area.

4.8.4 CONTRIBUTION CALCULATION

Assessment of the amount of Section 94 Contribution for Library bookstock acquisition will apply to:

- additional lots in the case of subdivision
- additional dwellings in the case of medium density development (including duplex and dual occupancy development)
- Permanent Caravans/Mobile Homes (at 50% of the general section 94 contribution)

The average valuation of library resources acquired in 2001/02 was \$20.06 (source: Library Services Manager). The cost of processing and cataloguing library resources is estimated at \$6.85 per item. This provides a total item cost of \$26.91.

Calculation of Section 94 Contribution:

- C) = Section 94 Contribution per additional lot or dwelling
- A) = Ratio of Library Resource provision per person
- B) = Cost of Library Resource item
- D) = Occupancy ratio (2001 Census)

Contribution	=	(A x B) x D
	=	(1.5 x \$26.91) x 2.6
Contribution (as @ 31/10/2002)	=	\$104.95
Plus: CPI from 31 st October 2002 to 5 th May 2005	=	\$ 6.02
SUB TOTAL	=	<u>\$110.97</u>
Management Contribution (6% as @ 5/5/2005)	=	\$ 6.66
S94 Contribution	=	<u>\$117.63</u>

The Section 94 Contribution per additional lot or dwelling \$118

5. WORK SCHEDULES

- 5.1. - Public Open Space and Parkland
- 5.2. - Sporting and Major Recreation Facilities
- 5.3. - Community Facilities
- 5.4. - Roadworks
- 5.5. - Fire Fighting and Emergency Services
- 5.6. - Library Bookstock Acquisition

The Work Schedule gives detail of the specific public amenities and services proposed to be provided by the Council, together with an estimate of their cost and staging.

Both staging and costs will be review as the needs of the population at the time are determined.

5.1 <u>Public Open Space</u>			
Map Ref	Project	Staging	Project Estimate
	Land Dedication for Public Open Space and Parkland	As determined by the needs of the development	
OS2	Tilligerry Parks and playground Strategy Implementation	1	\$220,000
OS4	Tilligerry Bushland Development Plan	1	\$60,000
OS3	Tanilba Foreshore Carpark sealing	1	\$150,000
OS5	McCann Park- Provision of public amenities	5	\$30,000
OS6	Stephens Square- Upgrading of park facilities	6	\$20,000
OS7	Caswell Reserve-Upgrading of park facilities	7	\$30,000
OS8	Tanilba foreshore erosion works	8	\$40,000
OS9	Tanilba Park - Upgrading of park facilities	9	\$100,000
OS10	Koala Park Project stage 1	14	\$25,000
OS11	Koala Park Project- stage 2	15	\$25,000
OS12	Henderson Park Upgrades	16	\$250,000
OS13	John Parade Reserve- picnic tables	19	\$4,000
OS14	Mungarra Reserve – facility improvements (seating, bbq's shade)	20	\$10,000
OS15	Mungarra Reserve – car parking area	21	\$25,000
OS8	Tanilba foreshore erosion works	22	\$40,000

5.2 <u>Sporting and Major Recreation Facilities</u>				
Map Ref.	Project	Facility Type	Timing	Project Estimate
RF1	Mallabula 25m Indoor Pool and amenities	25 metre outdoor heated pool	1997/98	\$704,500
		Enclosure of pool to indoor complex, additions to change rooms/amenities and kiosk/café area.	2008/09	\$1,250,000
SD1	Mallabula Sports Complex Masterplan	Upgrade existing facilities	2005/10	\$1,247,500
		New facilities	2007/12	\$980,000
SD13	Mallabula Skate Park Developments	Skate Park	2006/07	\$50,000

5.3 <u>Community Facilities</u>					
Project	Project Estimate	Other Funds	Section 94 Funds	Section 94 Cash	Timing
<i>Council Area Wide:</i>					
Cultural Centre	\$900,000	\$882,218	\$17,782		2001/02
Council Wide Community Facilities Study	\$50,000				2004/05
<i>Inter Plan:</i>					
Community Bus Service	\$110,000	\$105,674	\$4,326		1998/99
<i>Plan Area:</i>					
Multi-Purpose Community Centre	\$900,000	\$718,200	\$181,800		2002/03
Multi – Purpose Child Care Centre	\$600,000	\$478,800	\$121,200		2004/05

5.4 <u>Road Works</u>					
Project	Project Estimate	Other Funds	Section 94 Funds	Section 94 Cash	Timing
Road Works Programme (See Plan for detail of programme, Section 94 Allocation and Timing)	\$3,193,000	\$2,321,997	\$871,003		Priority Order

5.5 <u>Fire and Emergency Services</u>					
Project	Project Estimate	Other Funds	Section 94 Funds	Section 94 Cash	Timing
Plan Area Contribution Estimate – 540 lots	\$100,591		\$100,591		Ongoing

5.6 <u>Library Book Stock Acquisition</u>					
Project	Project Estimate	Other Funds	Section 94 Funds	Section 94 Cash	Timing
Plan Area Contribution Estimate – 540 lots	\$33,021		\$33,021		Ongoing

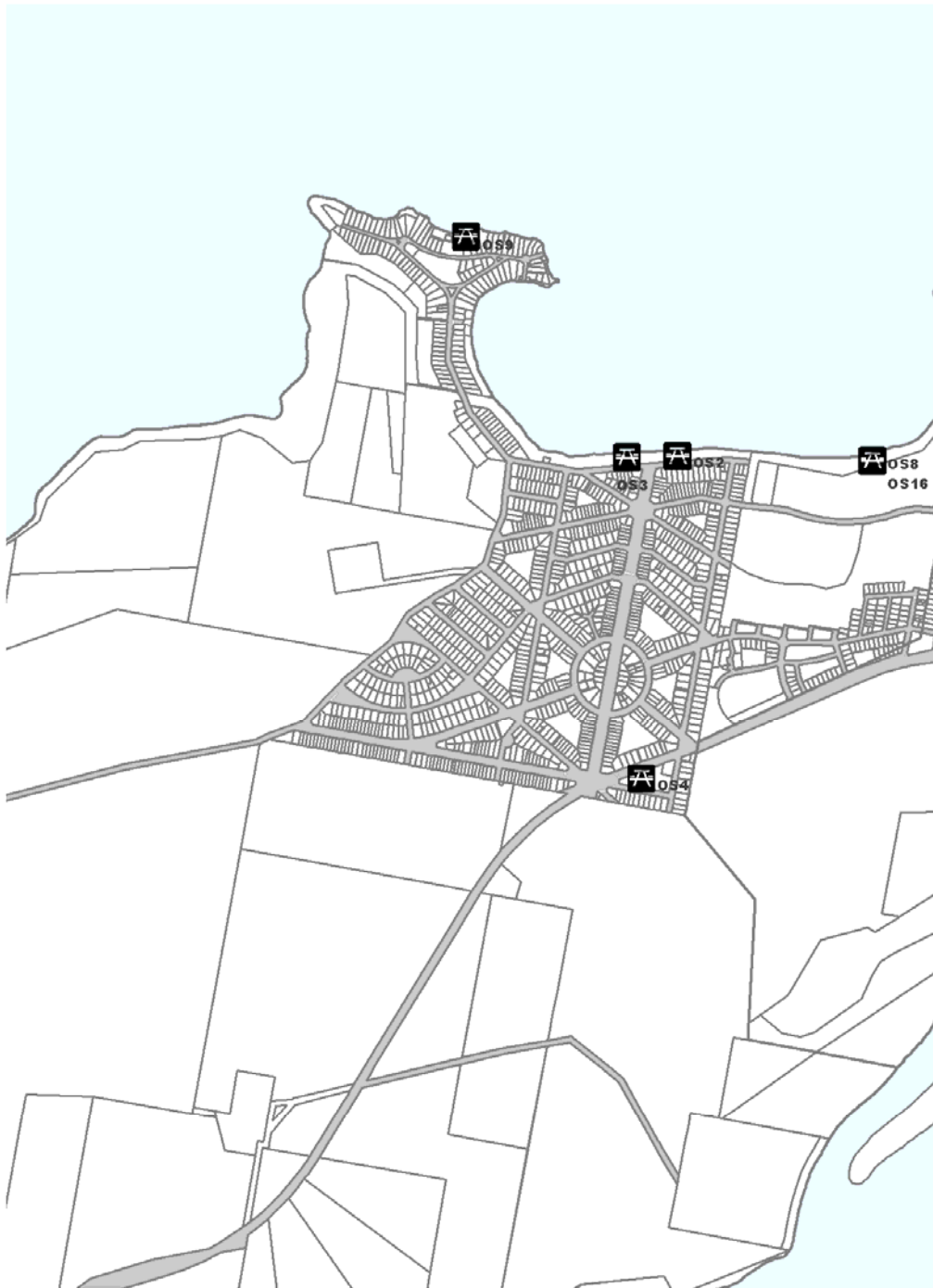
6. Maps

The following maps illustrate the location of the items listed in Section 5 - Work Schedules.

The references displayed on the Locality Maps refer to the Project Numbers listed in:

5.1 – Public Open Space

5.2 – Sporting and Major Recreation Facilities

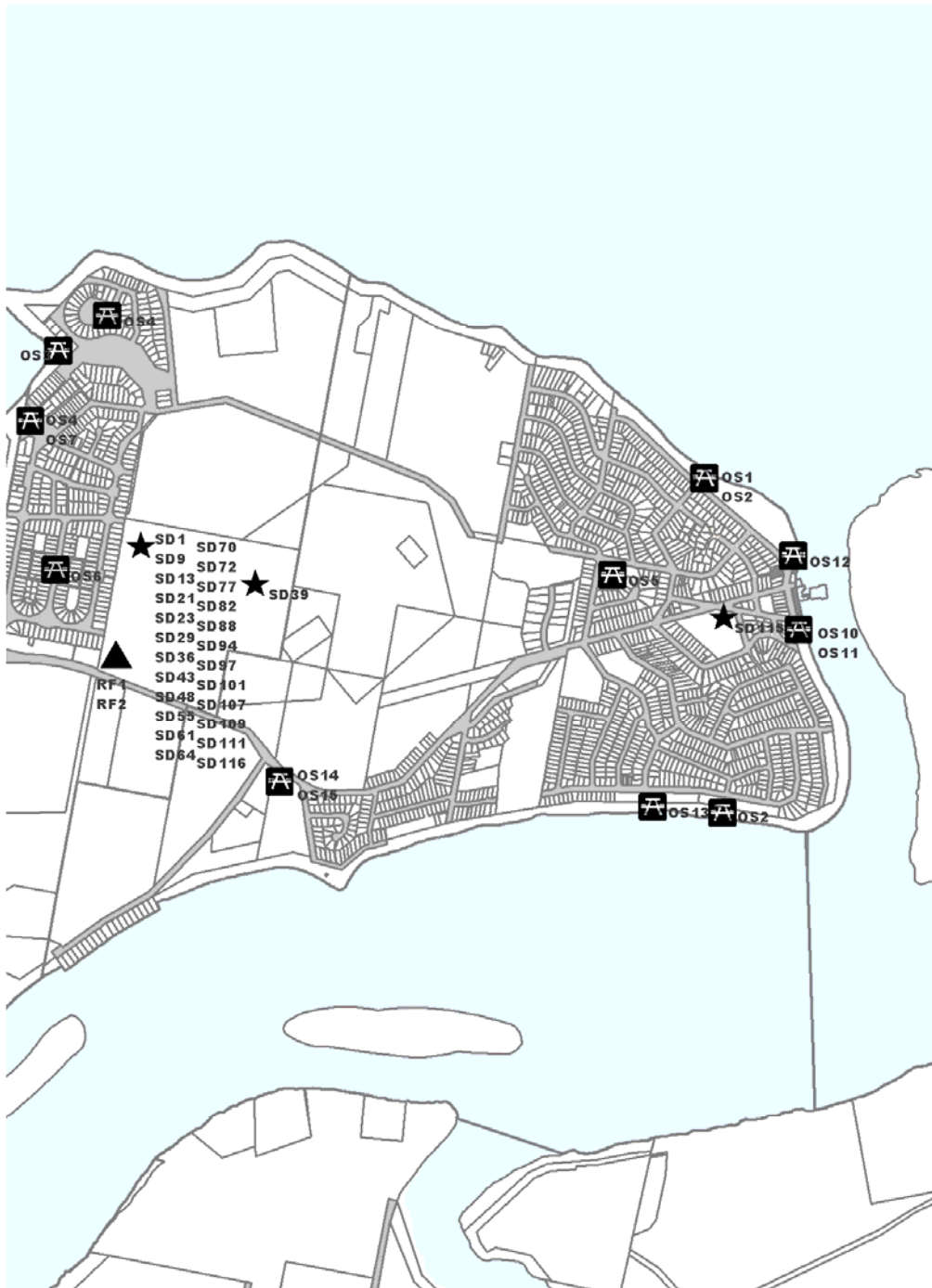


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CONTRIBUTION ITEM	S12
OPEN SPACE & RECREATION	
TANILBA BAY	



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OPEN SPACE & RECREATION	
MALLABULA	