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# 1. Plan Summary

## 1.1 General

This Contributions Plan is referred to as the ***Port Stephens Development Contributions Plan 2007 (Amendment No.12)***

The Plan applies to all land within the local government area of *Port Stephens Council* and that land zoned Village (2) within the Locality of Karuah within the local government area of *Great Lakes Council*.

The purpose of The Plan is to:

- Provide an administrative framework for Council to obtain 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;
- Ensure an adequate level of public infrastructure is provided;
- Authorise Council to impose conditions under section 7.11 of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this Plan applies;
- Enable the Council to recoup funds which it has spent in the provision of public facilities in anticipation of likely future development;
- Ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development;
- Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis; and
- Enable Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

This Plan has been prepared pursuant to the provisions of Section 7.11 of the *Environmental Planning & Assessment Act 1979* and Part 4 of the *Environmental Planning & Assessment Regulation* and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

The Plan was adopted by Council at a meeting held on Tuesday 26<sup>th</sup> June 2007 and came into effect on Saturday **30<sup>th</sup> June 2007**.

The Port Stephens and Great Lakes Cross Boundary Development Contributions Plan 2008 was adopted by Great Lakes Council 22 July 2008, by Port Stephens Council 21 October 2008 and came into effect 30 October 2008.

The Port Stephens and Newcastle Cross Boundary Development Contributions Plan 2009 was adopted by Port Stephens Council 25th August 2009, by Newcastle Council 22nd September 2009 and came into effect 1st October 2009.

The Plan supplements the provisions of the *Port Stephens Local Environmental Plan LEP 2013* and any amendment or local environmental plan it may supersede.



## 1.2 Summary Schedule – Contribution Rates by Development Type

The Environmental Planning and Assessment Regulation 2000 Clause 27 specifies what particulars a contributions plan must contain, including:

*“(e) the section 7.11 contribution rates for different types of development, as specified in a schedule to the plan,”*

The following schedule - Contribution Rates by Development Type - is provided as a summary of the more common development types only and more details are contained in the individual strategies within the plan.

**Table 1: Development Contribution Rates – Dwellings (excluding development types in Table 2)**

Infrastructure type	Development Contribution at plan inception	Current levies December 2018 CPI
<b>Consumer Price Index (CPI)</b>	<b>87.7</b>	<b>114.1</b>
Civic Administration - Plan Management	\$577	\$748
Civic Administration - Works Depots	\$356	\$457
Recreation, Open Space, Parks and Reserves	\$1,935	\$2,640
Sports and Leisure Facilities	\$4,561	\$7,129
Cultural and Community Facilities	\$2,293	\$2,543
Roadworks	\$1,296	\$1,679
Fire & Emergency Services	\$186	\$232
<b>TOTAL LGA-WIDE CONTRIBUTION</b>	<b>\$11,204</b>	<b>\$15,428</b>
Richardson Road North, Raymond Terrace	\$1,923	\$2,506
Fern Bay Bus Shelters	\$125	\$164
Boat Harbour and Anna Bay Catchment – Drainage Upgrade	\$600	\$780
Medowie – Traffic and Transport	\$0	\$2,626
Karuah Cross Boundary	\$9,403 (CPI base = 92.7)	\$11,459
Fern Bay Cross Boundary	\$11,226 (CPI base = 94.3)	\$13,404



**Table 2: Development Contribution Rates – Discounted rates for certain residential development types**

Infrastructure type - Current levies - December 2018 CPI – 114.1%					
	Secondary dwellings	Caravan parks & road registrable moveable dwellings	Tourist accommodation	Bed and breakfast	Seniors Living
Civic Administration - plan management	\$375	\$375	\$375	\$186	\$375
Civic Administration - works depots	\$229	\$229	\$229	\$120	\$229
Public Open Space, Parks and Reserves	\$1,323	\$1,323	\$1,323	\$660	\$1,322
Sports and Leisure Facilities	\$3,566	\$3,566	\$3,566	\$1,781	\$3,590
Cultural and Community Facilities	\$1,269	\$1,269	\$0	\$0	\$1,269
Roadworks	\$845	\$558	\$282	\$285	\$340
Fire & Emergency Services	\$118	\$118	\$118	\$66	\$118
• Local area contributions to be calculated accordingly					
<b>TOTAL LGA-WIDE CONTRIBUTION</b>	<b>\$7,725</b>	<b>\$7,438</b>	<b>\$5,893</b>	<b>\$3,098</b>	<b>\$7,243</b>

**Table 3: Development Contributions - non-residential development**

Infrastructure type	Development Contribution (rate at date plan was first made)	Development Contribution (indexed contribution rate)
<b>CONSUMER PRICE INDEX (CPI)</b>	<b>87.5</b>	<b>December 2018 – 114.1%</b>
Raymond Terrace Commercial/Retail Area carparking	\$15,000 per parking space	\$19,547 per parking space
Nelson Bay Commercial/Retail and Foreshore Area carparking	\$11,714 per parking space	\$15,235 per parking space
Road Haulage	\$0.04 per tonne per kilometre*	\$0.05 per tonne per kilometre

\* default contribution rate unless Transportation and Economic Assessment prepared for the development shows that a different rate is reasonable



## 2. Administrative Provisions

### 2.1 Development to which this Plan applies

Column 1 of Table 4 identifies the development types to which this plan applies as limited by the circumstances identified in column 2 of that table.

**Table 4:- Development to which this Plan applies**

Development type*	Limiting circumstances
<p>The following <i>residential accommodation</i> development:</p> <ul style="list-style-type: none"> <li>• <i>Dwellings</i> (including <i>dwelling houses, attached dwellings, semi-detached dwellings, dual occupancy, multi dwelling housing, residential flat building, shop top housing, secondary dwellings, moveable dwellings</i> and <i>mixed use development</i> that includes dwellings)</li> </ul>	<p>Contributions only apply where the development will or is likely to result in a net increase in the number of dwellings on the development site.</p>
<p>Accommodation units in <i>tourist and visitor accommodation</i>, which includes:</p> <ul style="list-style-type: none"> <li>• <i>backpackers' accommodation</i></li> <li>• <i>bed and breakfast accommodation</i></li> <li>• <i>farm stay accommodation</i></li> <li>• <i>hotel and motel accommodation</i></li> <li>• <i>serviced apartments</i></li> </ul> <p>Accommodation units in the following <i>residential accommodation</i> development:</p> <ul style="list-style-type: none"> <li>• <i>boarding houses</i></li> <li>• <i>group homes</i></li> <li>• <i>hostels</i></li> </ul>	<p>Contributions only apply where the development will or is likely to result in a net increase in the number of <b>accommodation units</b> on the development site. For the purposes of this Plan 'accommodation units' include:</p> <ul style="list-style-type: none"> <li>• a suite or room in a hotel or motel;</li> <li>• a serviced apartment</li> <li>• each bedroom after the first three in a house used as a bed and breakfast or farm stay,</li> <li>• every three beds in a backpackers, boarding house or hostel; and</li> <li>• each bedroom in a group home.</li> </ul>
<p><i>Manufactured home estates, which includes multi-dwelling housing consisting of moveable dwellings</i></p>	<p>Contributions only apply where the development will or is likely to result in a net increase in the number of dwellings on the development site.</p>
<p><i>Caravan Parks and road registrable moveable dwellings</i></p>	<p>Contributions will apply to all sites whether powered or unpowered that have not previously paid development contributions. Contributions will not apply to unpowered camp sites.</p>
<p><i>Seniors housing</i> development</p>	<p>Contributions shall not apply where the development includes self-contained dwellings as defined in State</p>



Development type*	Limiting circumstances
	Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, <u>and</u> those dwellings are provided by a social housing provider as defined under that policy.
Subdivision of land	Contributions apply where additional lots are created.
<i>Industry, rural industry, extractive industry and mining</i>	Where the proposed development includes heavy haulage (refer section 4.5.1 of this Plan).
Commercial premises	Only applies in the Raymond Terrace Commercial/Retail Area and the Nelson Bay Commercial/Retail and Foreshore Area and only where there is a shortfall in the provision of car spaces.

\* Note: Definitions of development types *in italics* are the definitions of those terms contained in the Dictionary of the Standard Instrument – Principal Local Environmental Plan.

## 2.2 Contributions Structure

### 2.2.1 Contribution Catchments

Contributions under this Plan may be required from development in the following catchments:

- LGA-wide Contribution
- Local Area Contribution
- Cross Boundary Area Contribution

Where Local Area contributions are required these shall be in addition to the applicable LGA-wide contribution. Karuah and Fern Bay Cross Boundary Area contributions, which are fixed amounts as agreed with the relevant adjoining Council, are not in addition to LGA-wide contributions.

### 2.2.2 Assessment of Contribution

Assessment of the amount of development contributions 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 **road registerable 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 upgrading of infrastructure such as roads and services, resulting from development.

### 2.2.3 Calculation of Contribution

The formula for calculating the amount of contribution will vary according to the type of amenity or service to be provided.

The formula is based on a consideration of:

- The demand generated by a development, based on a calculation recognising 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 to the nearest dollar.

### 2.2.4 Discount of Contribution

#### General

For types of affordable housing, as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009, (**the ARH SEPP**), apart from those types specifically defined in this document, Council may waive or vary the general contribution rate at its complete discretion.

#### Summary of Discounts

Certain development types will likely have a lesser impact on the demand for infrastructure when compared to a residential dwelling; and so an adjustment or discount to the dwelling contribution rate will be applied in accordance with Table 5.

Further information about the calculation of contributions for these types of development is provided following Table 5.

**Table 5: Contribution discounts for certain development types**

Development type	Contribution as % of dwelling unit contribution <b>inclusive of local area contributions</b>
Secondary dwellings	50% of the rate for all infrastructure categories
<b>Caravan parks – caravans and road registerable moveable dwelling sites</b>	50% of the rate for all infrastructure categories except roadworks. 33% for roadworks.
Tourist Accommodation	Nil for Community and Cultural Facilities; 50% of the rate for all infrastructure categories except roadworks. 16.67% for roadworks.
Bed and Breakfast accommodation	Nil for Community and Cultural Facilities; 25% of the rate for all infrastructure categories except roadworks. 16.67% for roadworks.
Seniors Living	50% of the rate for all infrastructure categories except roadworks.





20% for roadworks.

- Please note that the Local Infrastructure Contributions will also be calculated at the discounted rate.

### Secondary dwellings

The State Environmental Planning Policy (Affordable Rental Housing) 2009, (the **ARH SEPP**), encourages the erection of secondary dwellings, or the creation of a secondary dwelling within a principal dwelling.

Subject to certain pre-conditions, the ARH SEPP permits secondary dwellings as development that may be carried out without consent or as complying development.

Recognising the reduced demand on infrastructure arising from the construction and use of secondary dwellings, Council may, in circumstances where secondary dwellings are approved pursuant to the provisions of the ARH SEPP, apply a contribution rate equivalent to 50% of the rate that applies to dwelling houses.

### Tourist Accommodation

Recognising the impact tourist accommodation development and tourist visitation has on the provision of Council facilities and services, a Development Contribution will be required towards the provision of amenities within the categories of Civic Administration, Public Open Space, Parks and Reserves, Sports and Leisure Facilities, Roadworks and Fire and Emergency Services.

### *Background*

Tourism is a significant factor in the demography of the Port Stephens LGA, as illustrated by the following:

Year	Annual Overnight Visitors	Annual Visitor Nights
92/93	525,000	1,544,000
94/95	614,000	1,795,000
2007-11 ann av.	680,000	2,375,000

The measure of tourist/visitor impact on Council facilities may be gauged by the above figures. The estimated expenditure each year by domestic visitors is \$384 million.

Source: Council Meeting Information Report No. 4 - 10th September 1996, National Visitor Survey, Destination NSW Local Area Profile 2012.

### *Nexus*

Continuing growth in the development of tourist accommodation, which is occurring across the 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 for hotels/motels and a holiday unit is 50%. This proportion will apply to the general development 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 units as defined in Table 4.

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

The Contribution for roadworks will be in accordance with Table 5.

### Caravan Parks and Road Registrable Moveable Dwellings

The 2011 Census identified an occupancy rate of 2.5 persons per dwelling for the Port Stephens Council area. The occupancy rate for caravan/road registrable moveable dwellings was 1.5 persons, or 60% of the overall rate.

Occupants of caravan parks and road registrable moveable dwellings 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 caravan and moveable dwelling parks, it is Council Policy to only require a 50% Development Contribution for additional sites created for the categories indicated. A Development Contribution will be required for the categories of Civic Administration, Public Open Space, Parks and Reserves, Sports and Leisure Facilities, Cultural and Community Facilities Roadworks and Fire and Emergency Services.

The contribution will apply to caravan and road registrable moveable dwelling sites as defined in Table 4.

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

A Contribution will also be required for the category of roadworks as detailed in Table 5.

### Development in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

All new development, including housing for seniors and people with disabilities, intensifies the use of the existing resources and adds incrementally to the demand for public amenities and services. In this regard, development for the purposes of housing for seniors or people with a disability, including residential care facilities, approved under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, will be levied development contributions under this Plan.

Development consents issued on or after 31 March 2004 to a Social Housing Provider as defined are exempt from development contribution pursuant to Ministerial direction under section 7.17 of the Act. Social Housing Provider includes:



- a) the New South Wales Land and Housing Corporation;
- b) the Department of Housing;
- c) a community housing organisation registered with the Office of Community Housing of the Department of Housing;
- d) the Aboriginal Housing Office;
- e) a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998;
- f) the Department of Ageing, Disability and Home Care;
- g) a local government authority that provides affordable housing;
- h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

The 2011 Census found there were 550 people living in 461 self care dwellings in retirement villages in Port Stephens LGA, or an occupancy rate of 1.19 people per dwelling. The Developer Contribution Levy will therefore be 50% of the general levy for all infrastructure categories excluding roadworks.

The RTA Manual, Guide to Traffic Generating Developments indicates an average traffic generating rate of 1-2 vehicles per day for housing for aged and disabled persons. This compares to 9 vehicles per day for a residential dwelling. The Developer Contribution Levy will therefore be 20% of the general levy for roadworks as detailed in Table 5.

### 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.

Source: Council Report 10 October 2000.

### *Calculation*

The contribution will apply for the categories of Civic Administration, Public Open Space, Parks and Reserves, Sports and Leisure Facilities, Roadworks and Fire and Emergency Services. The contribution will be 25% of the residential level for the categories indicated.

A Contribution will also be required for the category of roadworks as detailed in Table 5.

The contribution will be applied per bedroom used for bed and breakfast in excess of the first three.

### Manufactured Homes and Manufactured Home Estates

Manufactured homes are a type of relocatable home or moveable dwelling constructed off-site, transported and installed on site. A manufactured home comprises one or more major sections but is not a registrable vehicle like a motor home or campervan.

A manufactured home estate is land on which manufactured homes are, or are to be, erected. A manufactured home estate, for the purposes of this Development Contributions Plan, includes development characterised as multi dwelling housing consisting of moveable dwellings.



Innovations in building and construction techniques to meet changing housing needs have meant that manufactured home estates are becoming a more popular form of medium density housing. Increasingly, manufactured homes are taking on the appearance of typical residential dwellings and are being built to a higher standard. There is also a trend for an increase in the size of manufactured homes. With this comes a decrease in the ability to relocate these dwellings and this type of development has evolved to house long term residents in the same way as other medium density development types.

Occupants of manufactured home estates impose similar demands for the provision of Council facilities and services as occupants of houses, other medium density dwellings (such as multi dwelling housing and community title estates) and flats. For this reason no discount is applied to the contributions levied for type of development.

It is acknowledged that a single Development Application may be submitted which includes both caravans and manufactured homes. In these instances, Council may apply the discount for caravan parks and road registerable moveable dwellings for that portion of the development and at its discretion, depending on the circumstances of the case.

#### 2.2.5 Savings and Transitional Agreements

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

### 2.3 Adjustment of Contribution Rates and Amounts

Monetary development contributions are exempt from the Federal Government Goods and Services Tax (GST). To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index All Groups, Weighted Average of Eight Capital Cities, land value increases, the capital costs of administration of the Plan or through changes in the costs of studies used to support the Plan, Council will review the contribution rates by reference to the following specific indices:

- Changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing Council's Development Contributions plan by reference to increases in salary rates under the Port Stephens Council Enterprise Agreement 2011.
- Changes in the capital costs of various studies and activities required to support the strategies in the plan by reference to the actual costs incurred by Council in obtaining these studies.

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

For changes to the Consumer Price Index All Groups, Weighted Average of Eight Capital Cities the contribution rates within the plan will be amended on a quarterly basis in accordance with the following formula:

$$\text{\$Ca} + \frac{\text{\$Ca} \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where:



<b>\$Ca</b>	is the contribution at the time of adoption of the Plan expressed in dollars.
<b>Current Index</b>	is the Consumer Price Index All Groups, Weighted Average of Eight Capital Cities as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
<b>Base Index</b>	is the Consumer Price Index All Groups, Weighted Average of Eight Capital Cities as published by the Australian Bureau of Statistics. At the date of adoption of the Plan this figure is <b>157.5</b> .

Note: In the event that the Current Consumer Price Index All Groups, Weighted Average of Eight Capital Cities is less than the previous Consumer Price Index All Groups, Weighted Average of Eight Capital Cities, the current index shall be taken as not less than the previous index.

### Land Cost

The value assessed for land acquisition cost will be reviewed as and when required and this factor will be varied, as necessary, to reflect current costs.

### Consent

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

$$\text{\$Cp} = \text{\$Cdc} + \frac{[\text{\$Cdc} \times (\text{\$Cq} - \text{\$Cc})]}{\text{\$Cc}}$$

Where:

<b>\$Cp</b>	is the amount of the contribution calculated at the time of payment
<b>\$Cdc</b>	is the amount of the original contribution as set out in the development consent
<b>\$Cq</b>	is the contribution rate applicable at the time of payment
<b>\$Cc</b>	is the contribution rate applicable at the time of the original consent

The current contributions are published by Council and available from Council's Administration Building at 116 Adelaide Street, Raymond Terrace NSW 2324.

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions.

### Pooling

The Plan expressly authorises monetary development contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

## 2.4 Settlement of Contribution



The contribution must be paid to Council at the time specified in the condition that imposes the contribution. If no such requirement is specified, the contribution must be paid in accordance with 2.4.3 Timing of Settlement.

#### 2.4.1 Construction Certificates and the obligation of Accredited Certifiers

In accordance with section 7.21 of the *EP&A Act* and Clause 146 of the *EP&A Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision under 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 clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement 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.

#### 2.4.2 Complying Development and the obligation of Accredited Certifiers

In accordance with 7.21(1) of the *EP&A Act*, accredited certifiers must impose a condition requiring monetary contributions in accordance with this Development Contributions Plan, which satisfies the following criteria.

The conditions imposed must be consistent with Council's standard development contributions consent conditions and be strictly in accordance with this Developments Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the development contributions condition correctly.

#### 2.4.3 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;
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent or upon issue of the occupation certificate whichever occurs first; or
- Development requiring a complying development certificate – prior to issue of the complying development certificate.
- Applications for Caravans, Mobile Homes and the like - prior to approval to operate under Section 68 of the Local Government Act, 1993