

city council

Farley Section 94 Contributions Plan 2015

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Farley Section 94 Contributions Plan 2015

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Table of Contents

1. EXECUTIVE SUMMARY	5
1.1 Background	5
1.2 Future Development.....	5
1.3 Services and Amenities	5
1.4 Structure of the Plan.....	6
1.5 Summary of Contribution Rates.....	6
2. INTRODUCTION.....	7
2.1 What is the name of this Plan?	7
2.2 When does this Plan take Effect?	7
2.3 What is the purpose of this Plan?.....	7
2.4 Land to Which the Plan Applies.....	7
2.5 To what types of development does this Plan apply?.....	9
2.6 What is the relationship to other Plans and Policies?	10
3. OPERATION OF THE PLAN	11
3.1 How does this Plan Operate?.....	11
3.2 Types of Contributions	11
3.3 When are Contributions Payable?.....	15
3.4 Complying Development.....	16
3.5 Construction Certificates.....	17
3.6 Goods and Services Tax	17
3.7 Review of Contribution Rates	17
3.8 Adjustment of Contributions at the Time of Payment	18
3.9 Reassessment of Contributions	19
3.10 Review of the Plan	19
3.11 Funding and Timing of Works.....	19
3.12 Pooling of Contributions	20
4. ADMINISTRATION OF THE PLAN.....	21
4.1 Management Costs of the Plan	21
4.2 Explanation of Contribution Formulae	21
4.3 Allowances for existing development.....	21
4.4 What are the occupancy rates.....	22
4.5 Estimated Land Values	22
5. STRATEGY PLANS	23
5.1 Recreation and Open Space	24
5.2 Community Facilities	28
5.3 Road & Traffic Management.....	31
5.4 Cycleways/Shared Paths	33
5.5 Plan Management & Administration	35
6. SUPPORTING DOCUMENTATION	36
6.1 References	36
6.2 Demographics & Expected Types of Development	37
6.3 Maps.....	39
6.4 Work Schedules.....	41



Table of Figures

Table 1: Summary of Contribution Rates.....	6
Table 2: Land Value Ranges.....	22
Table 3: Population & Household Size.....	38
Table 4: Land Acquisition Details.....	43
Table 5: Recreation & Open Space Work Schedule	44
Table 6: Community Facilities Work Schedule	45
Table 7: Road & Traffic Work Schedule.....	46
Table 8: Cycleways/Paths Work Schedule.....	47
Map 1: Farley Contributions Catchment.....	8
Map 2: Recreation & Open Space and Community Facilities Layout.....	40
Map 3: Road & Traffic Facilities Layout	41



1. EXECUTIVE SUMMARY

1.1 BACKGROUND

Section 94 of the Environmental Planning and Assessment Act 1979 is the principle legislation enabling Council to require, through a condition or conditions of development consent (including Complying Development) development contributions towards the provision of public services and facilities, required as a consequence of that development. In levying these Contributions there must be a clear nexus between the proposed development and the demand for such public services and facilities. Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

1.2 FUTURE DEVELOPMENT

The Farley Urban Release Area (URA) comprises a total of 160 hectares of land, with an approximate residential yield of 1,500 lots. The Lower Hunter Regional Strategy (Department of Planning, 2006) identifies the Farley URA as a regionally significant development area and is a key site to achieve the dwelling targets for population growth in the Lower Hunter.

The Farley URA is located immediately South of the Main Northern Railway Line. While no railway station currently exists at Farley, the proximity of the Farley URA to regional transport systems including the New England Highway and the Hunter Expressway are key elements to the identification of this area for urban development.

The Farley DCP Chapter and Section 94 Plan encourage the forward planning and implementation of infrastructure such as roads, services and community facilities in the Farley release area. They provide for future growth in the development catchment of approximately 1,500 lots or up to 4,050 people over a 10-15 year timeframe.

1.3 SERVICES AND AMENITIES

The future population stemming from new development in the Farley release area will result in the need for new and/or augmented infrastructure and services. In accordance with this Plan, the facilities for which Council will require specific Farley development contributions include the following:

- Recreation and Open Space Facilities;
- Community Facilities;
- Road and Traffic Facilities;
- Cycleways;

Detailed technical background studies have been undertaken to accurately determine the range of road and traffic infrastructure needed to improve access to housing, jobs and services in the Farley urban release area over the life of this Plan. Similarly, demand for services such as community facilities and recreation and open space will have regard to the Maitland Community Facilities and Services Strategy, the Open Space Review and Farley Section 94 Requirements.

The demand and standards identified in these studies have informed the basis of levying contributions specifically set out in this Plan.



New development will also generate the need for planning, administration and management activities associated with this Contributions Plan, in order to regularly review and update the identified works and manage the future provision of infrastructure.

1.4 STRUCTURE OF THE PLAN

This Plan is arranged into 6 parts:

1. Executive Summary: a summary of the essential components of the Plan, including summaries of the actual contribution rates
2. Introduction: outlines the purpose and area to which the Plan applies
3. Operation of the Plan: describes the way in which the Plan applies and the timing of payments
4. Administration of the Plan: describes the management and administration of the Plan
5. Strategy Plans: provide the details of each category of public services and amenities in the Plan, including details of the nexus, catchments, standards of provision required, what will be provided and when, apportionment and calculation of contributions
6. Supporting Documentation: Information which supports the contents of the Plan, including key demographic data, maps and works schedules.

1.5 SUMMARY OF CONTRIBUTION RATES

The following table summarises the Development Contribution rates for the Farley release area:

Facility	Per Person	Medium Density Housing < 3 Bedroom/Units/Flats etc.	Per Separate Dwelling/Three Bedroom Medium Density Dwelling or Lot
Farley Recreation and Open Space	\$3,984	\$7,968	\$10,757
<i>Dedication of Land (m2)</i>	<i>19.8</i>	<i>39.6</i>	<i>53.5</i>
Farley Community Facilities	\$1,103	\$2,206	\$2,977
<i>Dedication of Land (m2)</i>	<i>0.7</i>	<i>1.5</i>	<i>2.0</i>
Farley Road and Traffic Facilities	\$2,901	\$5,802	\$7,834
Farley Cycleways / Shared Paths	\$494	\$988	\$1,333
City Wide Aquatics	\$344	\$688	\$928
City Wide Recreation & Open Space Facilities	\$287	\$574	\$775
City Wide Road & Traffic Facilities	\$1,139	\$2,278	\$3,074
City Wide Cycleways/Shared Paths	\$203	\$406	\$548
Plan Management & Administration	\$261	\$522	\$706
TOTAL	\$10,716	\$21,432	\$28,932

Table 1: Summary of Contribution Rates



2. INTRODUCTION

2.1 WHAT IS THE NAME OF THIS PLAN?

This Plan is referred to as the Farley Section 94 Contributions Plan 2015.

This Contributions Plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

2.2 WHEN DOES THIS PLAN TAKE EFFECT?

This Contributions Plan takes effect on 21 April 2016. Development Applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan as will rezoning applications for the purposes of Planning Agreements.

2.3 WHAT IS THE PURPOSE OF THIS PLAN?

The primary purpose of this Plan is to authorise the levying of contributions that will assist Council to provide quality public services and amenities to meet the needs of incoming residents in the Farley release area. The Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be, required as a consequence of development in the Farley release area.

The contribution may involve the dedication of land free of cost, or the payment of a monetary contribution, or both.

Other purposes of this Plan are to:



- provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of developer contributions towards the provision of public services and amenities.
- enable the Council to recoup funds which it has spent in the provision of amenities and services in anticipation of development;
- identify the additional services and amenities required to meet the demands of the incoming population at Farley
- provide an adequate level of public facilities and services in the Farley release area, as development occurs and at a reasonable cost;
- ensure that the existing community is not burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development and re-development in Farley; and
- ensure that contributions are fair and reasonable, and that amenities and services nominated under the Plan are provided in a timely and cost effective manner.

2.4 LAND TO WHICH THE PLAN APPLIES

This Contributions Plan applies to all land within the Farley release area as illustrated in Map 1.





	<p>© Maitland City Council 2015 © LP103/03/1997</p>	 <p>NORTH</p>	<p>Farley Urban Release Area</p>
<p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>			

Map 1: Farley Contributions Catchment



2.5 TO WHAT TYPES OF DEVELOPMENT DOES THIS PLAN APPLY?

The expected types of development to which the Plan applies and to which contributions will be levied on, include the following:

- subdivision of land;
- medium density housing
- expansion or redevelopment of existing residential development; (infill development) that includes either subdivision or additional housing stock (eg dual occupancies)

2.5.1 SEPP - HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

All new development 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 approved under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, with the exception of development by Department of Housing, Local Government and community housing providers, will be levied development contributions under this Plan.

It is acknowledged, however, that the occupancy rates within seniors living developments are significantly less than other residential dwelling developments. Subsequently, Section 94 contributions for developments approved under the SEPP (Housing for Seniors or People with a disability) 2004 will be calculated based on the following occupancy rates available from ABS 2011 Census of Population and Housing:

1 bedroom dwelling	1.1 persons
2 bedroom dwelling	1.4 persons
3 bedroom dwelling	1.7 persons

The above rates will also apply to “Granny Flats” where it can be demonstrated that the total floor area of the structure is 60sqm or less and it retains no more than 2 bedrooms. Where these requirements cannot be met contributions will be calculated based on the rates as detailed in Table 1: Summary of Contribution Rates on Page 6 of this publication. Notwithstanding the above provisions, it will be at the sole discretion of Council to determine which rates apply to a development.

Development of high level residential care facilities, eg nursing homes will not be levied development contributions under this plan, but will be levied contributions under the Maitland City Council S94A Levy Contributions Plan.

2.5.2 OTHER DEVELOPMENT NOT SPECIFIED IN THE PLAN

There may be other types of development not specified in this Plan that generate a need for new or augmented public services and amenities. In such instances, the applicant may be requested to prepare a needs analysis for the development to determine the development contribution to be levied.

Alternatively Council may seek to negotiate with the developer to enter into a planning agreement or to provide a mutually agreeable facility(s) in lieu of a contribution to meet the additional needs as a result of the development.



2.5.3 DEVELOPMENT BY THE CROWN

Crown developments, where they provide an essential community service, in accordance with the current Practice Note issued by NSW Planning & Environment, will not be charged a section 94 contribution.

Any other activities by the Crown that will contribute to the demands upon public services or facilities will be levied a contribution under this Plan subject to standard Crown Consent provisions.

2.6 WHAT IS THE RELATIONSHIP TO OTHER PLANS AND POLICIES?

This Contributions Plan identifies specific requirements for the Farley Urban Release Area.

Council's Maitland Section 94 Contributions Plan 2016 applies to all development in the Maitland Local Government Area and accordingly the Farley Section 94 Plan operates in conjunction with the 2016 City Wide Plan. Development within the Farley Urban Release Area will be subject to the provisions of both Plans.

Specific details of the City Wide provisions that apply to the Farley Urban Release Area are detailed in the Contributions Summary of this Plan and the work schedules attached to the 2016 City Wide Plan.

This Plan is consistent with Council's Delivery Plan, Maitland LEP 2011 and Maitland Urban Settlement Strategy 2012. Other planning controls apply to the land to which this Plan relates and should be referred to by prospective developers. These include:

- The Maitland Development Control Plan 2011 – all chapters;
- All supplementary Section 94 Development Contributions Plans made to amend/support this Plan.



3. OPERATION OF THE PLAN

3.1 HOW DOES THIS PLAN OPERATE?

In determining a development application to which this Plan applies, Council may impose a condition of consent requiring the payment of a monetary contribution and/or the dedication of land free of charge in accordance with the provisions of this Plan, or in lieu thereof accept the provision of a material public benefit or works in kind.

Similarly, when in receipt of a notice of complying development certificate that relates to land to which this Contributions Plan applies, Council or an Accredited Certifier shall apply the provisions of the Contributions Plan when considering the application.

This plan authorises the Council to grant development consent to development subject to a condition requiring the dedication of land free of cost to the Council. Such a condition may be imposed towards the specific public amenities and services to meet the development itemised in the works schedule accompanying this Plan. The proposed location of these public amenities and services are shown on the maps to which the works schedule relates.

3.2 TYPES OF CONTRIBUTIONS

There are a number of alternate methods of payment of section 94 developer contributions as follows:

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

Where a developer negotiates a material public benefit, works in kind or the dedication of land in lieu of paying any part of the monetary contribution required under this Plan, the applicant must still pay Council's reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides for the Council to consider entering into a voluntary planning agreement at either the rezoning or development application stage, which may be in lieu of, in addition to or instead of the payment of a monetary contribution under Section 94.

3.2.1 MONETARY CONTRIBUTION

This Plan identifies the cash contribution required for the provision of public services and amenities, usually calculated on a per bedroom, per lot, or area basis. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

3.2.2 DEDICATION OF LAND

This Plan authorises the Council to consent to the carrying out of development subject to a condition imposed under s94 of the Act, requiring the dedication of land *free of cost* to the Council.



Such a condition may be imposed where the land is reasonably required towards the provision, extension or augmentation of a public amenity or public service as itemised in the works schedule accompanying this plan, in order to meet the demands generated by development. The proposed location of those public amenities and services are shown on the maps that relate to the works schedule to the extent to which their location can be identified at the time of the preparation of this Plan.

The amount of land that the Council may require to be dedicated free of cost under s94 of the Act is based on an equivalence between the market value of the land determined in accordance with the Land Acquisition (Just Terms Compensation) Act, 1991 and the monetary s94 contribution that could have been sought in relation to the same development in relation to the acquisition of the land. In other words, the Council will require the dedication free of cost of an area of land the value of which equals the monetary s94 contribution that could have been sought in relation to the same development.

More detailed planning provisions relating to the development of land giving rise to the need for the relevant public amenities or public services and hence the land required to be dedicated, are generally contained in the Farley Area Plan. In some cases, the area of land required to be dedicated may exceed the reasonable dedication that could be required from an Applicant under s94 for example, where a development is staged. In such cases consent will usually not be granted to the development, giving rise to the need for the relevant public amenity or service unless prior arrangements, to the satisfaction of the Council, exist for the dedication of the land to the Council. The prior satisfactory arrangements may include an offer by the landowner to transfer the whole of the land to the Council on terms satisfactory to the Council or other satisfactory arrangements for the acquisition of the land by the Council. The satisfactory arrangements may be set out in a Planning Agreement under Section 93F of the Act or otherwise and may entail the use of any monetary s94 contributions collected elsewhere towards the acquisition of the land.

The amount of land that the Council may require to be dedicated free of cost under this Plan is determined by the following formulas:

Recreation & Open Space – Dedication of Land

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

Where:

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

Community Facilities Land – Dedication of Land

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

Where:

- L = Total Community Facilities land requirements
- P = The total projected resident population

Council may accept the dedication of land in lieu of, or as an offset against, making a cash contribution towards the acquisition of land, provided such a proposal forms part of a development application to Council.

Where land identified for acquisition in the Plan falls within land the subject of a development application, the land will be required to be dedicated free of cost in accordance with Section 94(1)(a) of the Act, and detailed above. A monetary contribution will only be required where additional land above and beyond that available within the land the subject of the development application is required or if no land identified for acquisition falls within the land the subject of the development application.

All costs of dedication are to be borne by the applicant. The land must be dedicated in a condition approved by Council, held in separate title, cleared of all rubbish and debris, and suited for its intended public purpose.

In considering whether to accept the provision of land as a partial offset of contributions under this Plan, Council shall have regard to the following:

1. Purpose of the land - whether it forms an identified high quality bushland linkage, drainage line, active or passive recreation, multiple use potential;
2. Needs of the community for the land, and whether or not the land is identified for open space or recreation purposes in an adopted Development Control Plan or Recreation Strategy;
3. Whether the land is to be provided in a location and in a manner which will serve the needs of the community who contribute towards it;
4. Cost to convert land to proposed use;
5. Future maintenance and management costs.

The estimated cost of the land to be acquired under this plan is the estimated average land value of the land identified for acquisition/dedication, assuming that the land concerned is available for development and services are available. Land values in the Plan have been determined in accordance with Council's Land Valuation Index, as described in Section 3.7 of this Plan, and will be subject to regular review and adjustment as necessary.

Council's objective is to ensure that the funds Council receives for land acquisition from Section 94 contributions are equivalent to the amount required to fund the purchase of all the land Council is seeking to acquire in the Farley release area, including the costs incurred in acquiring the land.

3.2.3 WORKS IN KIND / MATERIAL PUBLIC BENEFITS

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a contributions plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process. Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. A MPB may include the provision of work that is not scheduled within a contributions plan. Council may accept the provision of a material public benefit that is not nominated in the works schedule, if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:



a) Offer made to the Council as part of a development application

If an applicant does not wish to pay a monetary s94 contribution in connection with the carrying out of development, the applicant may include in a development application for the development a proposal to carry out the works towards which the contribution or levy would have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under s94 requiring payment of the monetary contribution.

b) Offer made to Council following the grant of development consent:

If development consent has been granted to the carrying out of development subject to a condition under s94 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing to the Council to provide a material public benefit in part or full satisfaction of the requirements of the relevant condition. The material public benefit may be the carrying out of work or another public benefit but not the payment of money or the dedication of land free of cost.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is relieved of the obligation, in part or whole, as the case requires, to comply with the conditions imposed under s94. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under s94.

In either case, in deciding whether to agree to the applicant's request, the Council will have regard to the requirements of the current Practice Notes issued by the Planning and Infrastructure and may consider matters such as, but not limited to, the following:

1. the need for the facility and how it achieves the outcome of what the contribution was being sought for;
2. the purpose and objectives of this Plan and any relevant plans or strategies;
3. whether the alternative will prejudice the timing or the manner of the provision of public facility for which the contribution was required; and
4. full details of the quantities, finishes and costings of the proposed works.

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion.

Unless approved by Council, no credits will be recognised for in-kind works carried out by the developer that are in excess of the approved contribution. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

Applicants should refer to the Council's *Works in Kind / Material Public Benefits Policy* which has been prepared having regard to the current Practice Notes issued by NSW Planning and Environment.



3.2.4 PLANNING AGREEMENTS

An applicant may offer to enter into a voluntary planning agreement with the Council in connection with a development application or a rezoning application that is made for the purposes of being able to subsequently make a development application.

Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions under s94 of the Act.

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

Applicants should refer to the Council's *Policy on Planning Agreements*, which has been prepared having regard to the current Practice Note on Planning Agreements issued by NSW Planning and Environment.

3.3 WHEN ARE CONTRIBUTIONS PAYABLE?

3.3.1 TIMING OF PAYMENTS

The timing of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the subdivision certificate.
- Development applications involving building work only – prior to the release of the construction certificate.
- Development involving both subdivision and building work (eg. Integrated housing developments) – prior to the release of the construction certificate, or the release of the subdivision plan, whichever occurs first.
- Development applications where no construction certificate is required – prior to occupation of the premises.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 3.7).

3.3.2 DEFERRED OR PERIODIC PAYMENTS

Council may consider the deferred payment of contributions or payments made by periodic instalments.

A request for deferral or periodic payment shall be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:



- there are valid reasons for the deferral or periodic payment;
- the deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- the granting of the request for deferred payment will not prejudice the community needs or jeopardise the timely provision of works or land identified within the Plan;
- a suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- the periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept **deferred payment** by way of a bank guarantee is that:

- the bank guarantee is by an Australian Bank.
- the bank guarantee is for a maximum period of twelve months.
- the amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months interest.
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 6 months from the provision of the guarantee or completion of the work, whichever occurs first.
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent.
- the bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept **periodic payment** for a staged development are that:

- the instalments are paid before the work commences on each relevant stage of the development.
- the amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

3.4 COMPLYING DEVELOPMENT

In accordance with Section 94EC(1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this development contributions plan for any type of development listed within Section 2.5. The amount of the contribution is to be determined in accordance with the formulas contained in the Plan and the current contribution rates.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 contribution correctly.



3.5 CONSTRUCTION CERTIFICATES

In accordance with Section 94EC of the EP&A Act 1979, and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision works 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 the Council in accordance with Clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

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

3.6 GOODS AND SERVICES TAX

Monetary Section 94 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

3.7 REVIEW OF CONTRIBUTION RATES

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates, at least annually, with reviewed rates to apply from the 1st February each year. Rates will be indexed quarterly if there are significant increases in construction costs or land values over any one quarter.

The contribution rates will be reviewed and subsequently indexed by reference to the following specific indices:

- Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.
- Land acquisition costs by reference to average land valuation figures or specific valuations for parcels of land that are identified in the Section 94 Plan, as published by the Council.
- Changes in the capital costs of various studies, activities and the provision of services to administer and support the plan, by reference to actual costs incurred by Council.

In accordance with Clause 32(3)(b) of the EP&A Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the *Consumer Price Index (Sydney All Groups)*, the contributions will be reviewed either annually or quarterly in accordance with the following formula:

$$\$C^A + \frac{\$C^A \times (\text{CPI 2} - \text{CPI 1})}{\text{CPI 1}}$$



Where:

- $\$C^A$ is the contribution rate at the time of adoption of the Plan, expressed in dollars
- CPI 2 is the Consumer Price Index Number (Sydney All Groups) available at the time of the review
- CPI 1 is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment (which isat the time of adoption of the Plan.)

If in the event that the CPI at the time of the review is less than the previous CPI, the contribution rates will remain the same.

For changes to land values, Council will publish at least on an annual basis the revised land index values that are to be used to change the base land values contained in the Plan, which will be determined in accordance with the following formula:

$$\$C^{LV} + \frac{\$C^{LV} \times (\text{Current LV} - \text{Base LV Index})}{\text{Base LV Index}}$$

Where:

- $\$C^{LV}$ is the land values within the plan at the time of its adoption
- Current LV is the land value index as published by the Council, available at the time of the review
- Based LV is the land value index as published by the Council at the date of adoption of this plan (which is at the time of adoption of the Plan)

3.8 ADJUSTMENT OF CONTRIBUTIONS AT THE TIME OF PAYMENT

Contribution rates will initially be calculated at the time development consent is granted. If the contributions are not paid within the calendar year 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 the time of the payment and not at the date of the approval of the development.

Adjustments to the contributions payable will be made in the following manner:

$$\$C^P = \$C^{DC} + \left[\frac{\$C^{DC} \times (\$C^Q - \$C^C)}{\$C^C} \right]$$

Where:

- $\$C^P$ is the amount of the contribution calculated at the time of payment
- $\$C^{DC}$ is the amount of the original contribution as set out in the development consent
- $\$C^Q$ is the contribution rate applicable at the time of payment
- $\$C^C$ is the contribution rate applicable at the time of the original consent

The current contributions are published by Council and are available from Council Offices.



3.9 REASSESSMENT OF CONTRIBUTIONS

Council may consider an application for the reassessment of the development contribution payable. This may result in the contribution being reduced or waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent (Section 82(a)) in accordance with the EP&A Act 1979, as amended.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

The instances in which Council may consider a reassessment may include the following:

- The applicant is a registered charity, church, hospital or community organisation;
- The development satisfies a broader planning objective and the achievement of which is considered by Council to be of greater importance or priority than making a contribution;
- Where it is considered that the contribution is unreasonable;
- The application involves the development of a heritage item; and
- Applications for Tourist Accommodation (eg bed and breakfast establishments) where the demand generated from the development can be justified to be less than a single dwelling house.

3.10 REVIEW OF THE PLAN

This Plan may be reviewed in full, or in respect of particular parts when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

At a minimum, annual reviews of the Plan will occur to review contribution rates, development rates and the costs of land and facilities. In the event that inflation rises sharply, the contribution rates may be reviewed quarterly by the CPI (Consumer Price Index) to reflect these market impacts.

3.11 FUNDING AND TIMING OF WORKS

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

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 3.12 will be considered and used when necessary.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, the individual work schedules may be re – prioritised. This will take into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue flows.



It is expected that the development of the Farley Release Area will be achieved over the next 10 to 15 years. The scope and duration of this Plan is for the same duration. However, as the projections and timeframes for development are uncertain, the Work Schedules in the Plan include the staging of infrastructure provision and are expressed in terms of thresholds of development. Furthermore management of the Plan incorporates ongoing monitoring of development trends, actual population growth rates and regular review processes.

3.12 POOLING OF CONTRIBUTIONS

This Plan expressly authorises monetary S94 Contributions paid and being held for differing purposes to be pooled and applied (progressively or otherwise) for those purposes. Priorities for the expenditure of the contributions are shown in the Works Schedules.

Note: Unless otherwise determined by Council, the pooling provisions apply only to Section 94 funds being held by Council. This Clause does not authorise the offsetting of contributions levied and outstanding on a consent for differing purposes. Credits may only be applied in the category for which a "Works in Kind" is being undertaken.

3.13 SAVINGS & TRANSITIONAL ARRANGEMENTS

A development application which has been submitted prior to the adoption of this Plan, but not determined, shall be determined in accordance with the provisions of the Plan which applies at the date of determination of the development application.



4. ADMINISTRATION OF THE PLAN

4.1 MANAGEMENT COSTS OF THE PLAN

The administration and management of S94 is an expensive and time-consuming task for Council staff.

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly costs associated with the ongoing administration and management of this contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the rates schedule. The method of calculation is described in Section 5.5 the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and Council's costs associated with administering the Agreement.

4.2 EXPLANATION OF CONTRIBUTION FORMULAE

Council applies a contribution formula to each public amenity and service for the purpose of calculating the contribution rate applicable for that service or amenity. The formulae take into consideration the cost of the works to be undertaken, the cost to Council of acquiring land on which to undertake these works (if applicable) and the total projected population relevant to the facility:

$$\text{Contribution} = \frac{C \times AF}{P}$$

Where:

- C = total cost of providing the facility including land and capital costs, including costs to be recouped (if applicable)
- AF = apportionment factor
- P = projected population increase or the anticipated increase in the number of lots over the life of the Plan

4.3 ALLOWANCES FOR EXISTING DEVELOPMENT

As Section 94 contributions can only be levied where development will result in an increased demand for public amenities and services, contributions will not be sought in relation to demand generated for existing (or approved) development. Thus "credits" will be granted in relation to demand generated by existing development at the following rates:

- Dwelling houses and single vacant allotments = 2.7
- Other dwellings (eg medium density) = 2 persons per dwelling



4.4 WHAT ARE THE OCCUPANCY RATES

For the purposes of this Plan, the following occupancy rates have been adopted:

- 2.7 persons per three bedroom or more multi-unit dwelling , separate dwelling or allotment
- 2.0 persons per other multi-unit housing (medium density, flats etc)
- Specific rate for Seniors Living – see section 2.5.1
- Granny Flats - same rate for Seniors Living, provided that the structure is no greater than 60sqm in floor area and retains no more than 2 bedrooms. Where these requirements cannot be met the rates shown in Table 1 – Summary of Contributions will apply.

Further explanation regarding how these rates have been determined is provided in Section 6.2 of this Plan.

For the purposes of this Plan, applications for houses or units which refer to a ‘study’, ‘office’ or ‘sewing room’ will be considered a bedroom for the basis of calculating the contributions required.

4.5 ESTIMATED LAND VALUES

Land values adopted in the contributions plan are based on **englobo land values**.

In considering a land value for a particular facility identified in the works schedules, the whole of the land has been considered and the Land Value Base Index as shown in the plan is reflective of value when considering influencing factors including location, topography, aspect, servicing and access.

The land identified within this Section 94 Plan comprises a number of small to medium sized gently undulating parcels, rising up from the main Northern Rail Line and rising to the west as well as extending in undulations to the south. While it is acknowledged that there will be modest variations in value specific to proximity to the rail line the whole of the land has been considered (total englobo parcel) and a the dollar rates below are reflective of value when considering other influencing factors including location, topography, aspect, servicing, access and development potential.

Total land area assumed as an individual holding Range - Ha	Value Range - \$/ha – Residential Land
0.5-1	\$500,000 - \$600,000/ha Or \$50 - \$60/m2 of site area
1-2	\$400,000 - \$500,000/ha Or \$40 - \$50/m2 of site area
2-7	\$300,000 - \$400,000/ha Or \$30 - \$40/m2 of site area
7-20	\$200,000 - \$300,000/ha Or \$20 - \$30/m2 of site area

Table 2: Land Value Ranges

Where a facility is to be located entirely on flood liable land, or land that could not otherwise be developed for residential purposes, a flood liable land rate of \$78,500/ha has been applied.



5. STRATEGY PLANS

This section of the Plan establishes the relationship (nexus) between the expected types of development in the Farley release area and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

Causal Nexus – ‘what’. This is a demonstration that the anticipated development actually creates a need or increases the demand for a particular public facility.

Spatial or physical nexus – ‘where’. Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.

Temporal nexus – ‘when’. Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.

The proposed public facilities identified in this plan are considered reasonable and are required to satisfy the expected demands of the anticipated types of development in Farley. In general, the needs and increased usage of public facilities likely as a consequence of new development will exceed the capacity of existing public facilities in the area. It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of likely development.

The details establishing the nexus between the expected types of development in Farley and the demand for additional public facilities to meet that development are set out in this part of the Plan under the headings of Recreation and Open Space, Community Facilities, Road and Traffic Facilities, Cycleways/Shared Paths, Stormwater Management and Plan Administration. The following types of facilities have been identified as being necessary to meet the needs of the new population:

Category	Types of Services / Facilities
Recreation and Open Space	Local Playgrounds and Neighbourhood Sportsground, Netball and Tennis Courts, Cricket Nets and Passive Open Space and Linear Linkages
Community Services	Multipurpose Community Facilities / Buildings/Library
Road & Traffic Facilities	Sub-Arterial Road – traffic facilities, intersection works and road upgrading
Cycleways/Shared Paths	Recreational paths
Plan Management & Administration	Management of Development Contributions

Details regarding the approximate location, timing and estimated costs for each of the facilities are set out in the Work Schedules and accompanying maps attached to this Plan, to the extent to which they can be determined at this point in time. Many of these works will be subject to more detailed planning in conjunction with subdivision planning and assessment.



5.1 RECREATION AND OPEN SPACE

5.1.1 INTRODUCTION

Maitland City Council remains committed to the delivery of social infrastructure (including recreation and open space facilities) to service the incoming population of the Maitland Local Government Area. In doing so it is important to ensure our approach is based on objectives contained within State and Local Government Planning Policies and best practice principles for the provision of these facilities.

The *Farley Urban Release Area Section 94 Requirements 2014*, was prepared by Maitland City Council to support and inform the preparation of a Development Contributions Plan for Farley as it relates to the provision of Recreation and Open Space facilities. Significant strategic planning work has gone into the formulation of this document which reflects anticipated demand and preferences while maintaining compatibility with current trends in open space planning. These findings have been translated into the recreation and open space work schedules attached to the Section 94 Plan.

5.1.2 NEXUS

New residential development in Farley will result in a clear demand for the provision of a range of Council-provided recreation and open space facilities to meet the needs of the new population.

The Review of Open Space and Recreation provisions undertaken in 2007 identified that Council had approximately 850 hectares of public land across the LGA. Based on an estimated population at the time of 63,989 this represented 13.8 ha of open space per 1,000 people which included the provision of parks, sportsgrounds, wetlands, natural areas and bushland. In July 2014 a further review of open space provision across the LGA was undertaken indicating approximately 911.77 hectares of public land being held by Council. Assuming a population at the time of approximately 70,000 the current level of provision is 13.0 hectares per 1,000 of population. Whilst this figure represents a 5.47% decrease when compared to the level of provision in 2007 it is recognised that the current provision is generous and it would be an unreasonable or unacceptable impost upon new development to maintain this level of supply.

As at July 2014 sportsgrounds and parks constituted approximately 348 hectares of the land that Council currently owns and/or manages for open space purposes. This equates to a level of provision of 49m² per person or 4.9 hectares per 1000 people. The actual amount of open space land identified for acquisition under the provisions of this Plan is 19.8 m² per person. It is acknowledged that this significantly less than the overall standard of provision enjoyed by the existing population. To offset the shortfall in the provision of open space within the Farley URA it is proposed that a single playing field will be located at the Anambah district sporting facility to accommodate local demand generated by the new incoming population which cannot be met within the Farley URA.

Facilities included in the Plan have been determined based on the benchmarks for sporting grounds and recreational areas established in City Wide Contributions Plan 2006-2016 Review of Open Space and Recreation (2007) together with an assessment of demand generated by future development of the Farley URA. This has been documented in *the Draft Farley Urban Release Area Community Facilities and Open Space Requirements (May 2015)*.



The analysis of likely demand for outdoor sporting facilities, recreation open space and aquatics is based on:

- the projected age and household characteristics of the forecast Farley URA population.
- identified recreation demand patterns in Maitland and at the state and national level
- Council's adopted benchmarks for the future provision of open space and recreation facilities as contained in the 'City Wide Contributions Plan 2006-2016- Review of Open Space and Recreation' April 2007
- Findings contained in the 'Draft Maitland Open Space Strategy 2011' prepared by @leisure which involved a number of consultations with community representatives and sporting groups
- The adopted Maitland Youth Spaces Strategy (October 2012) as prepared by @leisure
- The Adopted Maitland Aquatic and Feasibility Study adopted by Council (April 2012) prepared by SGL Consulting.
- An assessment of the capacity of the existing open space to offset the demand of the projected incoming population.

The review of the existing open space, recreation facilities and aquatics has identified that there is no existing capacity in the Farley URA to offset the demand for sporting facilities required by the incoming population. There are a range of sporting facilities (existing and planned) for Lochinvar, Rutherford/Aberglasslyn and Telarah, however current/planned facilities will have no capacity to offset the impact of the new population of Farley.

The Anambah Land Fill site has been identified as a future district level sporting facility to serve the western sector of the city and it does have some capacity to cater for the local demand not met within the Farley URA. Whilst the land is held in Council ownership the cost to embellish the site to cater for the unmet demand will be apportioned to the Farley URA.

The Walka Water Works will provide a valuable resource for the planned new communities however this is a city-wide facility with a wider regional catchment and should not be relied upon as existing facilities are struggling to cater for demand and are in need of substantial upgrading works.

5.1.3 CONTRIBUTION CATCHMENT

For section 94 planning purposes the Farley recreation and open space requirements are based on a single release area catchment. The contributions for open space and recreation facilities in the Plan have been determined on this basis.

5.1.4 FACILITIES STRATEGY

General guiding principles adopted for the design and spatial distribution of future open space and recreation infrastructure proposed for Farley include:

- **Benefits are the driver of provision** – There is a need for different forms and functions of open space to meet the required range of community benefits and needs.
- **Diversity** - a diversity of opportunities and experiences across the network and within each space is required to meet needs of an increasingly diverse population. By identifying the primary function and landscape setting type of a space it is easy to identify gaps and opportunities to diversify open space.
- **Flexibility** - open spaces will be fit-for-purpose, and future provision
- **Environmental attributes** – some leisure experiences are dependent on specific types of environmental conditions that may be easily eroded by urban development



- **Convenience and equitable distribution** – open space needs to be close to the population it is designed to serve, to motivate people to use it and provide a raft of well-being benefits.
- **Inclusion** - Universal design and access into open space will ensure all people will benefit from open space.
- **Viability and sustainability** – the viability and sustainability of open space is determined by size, quality, distribution, co-location of facilities and the space, as well as by its design
- The model of open space provision should vary depending on settlement type and density.
- **Partnerships** – where Council works in partnership with other (including State Government and community organisations) to jointly fund, deliver and manage open space and recreation facilities.

The open space and recreation facilities required by the new population that are the reasonable responsibility and or interest of Council which will be apportioned to the developer by way of a levy contribution for the purposes of s94 are outlined below:

- 4 Local Neighbourhood Playgrounds– 0.5 ha each in area containing playground equipment, picnic facilities, seating and landscaping. 1 playground is to be co-located at the Neighbourhood Sportsground Hub
- 2.2 kms of trails will be required and embellished to provide pedestrian and cycleway paths, or linear linkages;
- 1 Neighbourhood Sportsground Hub – 6.52 ha - Containing multi-purpose playing fields, 2 tennis courts, 2 netball courts, 2 cricket practice areas, skate park, off leash dog area, playground, amenities building, access road and car parking spaces and landscaping works.
- 1 single playing field to be co-located at the Anambah district sporting facility to accommodate local demand generated by the new incoming population which cannot be met within the Farley URA. The developer will be required to contribute towards the embellishment of the field only, No land component will be levied.
- 2 competition netball courts to be located at Maitland Park

Local contributions are not permitted to fund acquisition of land for riparian corridors. If land is intended to be dedicated to Council, it shall be dedicated free of cost by the developer at the time of subdivision and only following agreement by Council with regard to the level of embellishment.

5.1.5 APPORTIONMENT

There is a direct relationship between the development of Farley and the provision of the proposed recreation and open space facilities. These facilities will service the Farley area and are not provided to benefit existing communities in Maitland. The Open Space and Recreation Services to be provided under this Plan will therefore be fully funded from Section 94 (ie 100% apportionment to development).

5.1.6 CALCULATION OF CONTRIBUTION

a) Background

The costs attributable for the provision of new recreation and open space facilities are comprised of capital costs for the construction and/or embellishment of the various types of recreation facilities as outlined above, plus the costs to acquire land. Further details on the capital costs and land values adopted for this Plan are provided in Schedule 3.

b) Calculations for Recreation and Open Space Facilities

For the expected population increase of 4,050 people the following facilities will be provided:

4 Local Neighbourhood Playgrounds	(total cost = \$3,256,105)
1 Neighbourhood Sportsground Hub	(total cost = \$10,764,069)
Contribution to Anambah District Sportsground	(total cost = \$1,628,359)
Contribution to Competition Netball Courts Maitland Park	(total cost = \$486,554)

Overall Cost **\$16,135,087**

The contribution formula for Local Facilities is:

$$\frac{C + L}{P}$$

Where:

C = Capital and Half Width Road Costs of Facility

L = Land Acquisition Costs

P = Benefiting No of People

$$\frac{\$13,413,625 + \$2,721,462}{4050}$$

The total contribution for Recreation and Open Space is therefore:

= **\$3,984** per person

= **\$10,757** per lot (based on the assumed occupancy of 2.7 persons per lot)

The formula for the Dedication of Land (m² / person) for Local Open Space is:

$$\frac{L}{P}$$

Where:

L = Total Open Space and Recreation land requirements (m²)

P = The total projected resident population

$$\frac{80,233}{4050}$$

= 19.8m² per person

= 53.5m² per lot (based on the assumed occupancy rate of 2.7 persons per lot)



5.2 COMMUNITY FACILITIES

5.2.1 INTRODUCTION

Maitland City Council recognises the importance of providing adequate and relevant community facilities and services to support the sustainable growth of the city. The magnitude of growth projected for the City of Maitland reinforces the need for a strategic approach in planning social infrastructure to ensure that growing and changing community needs can continue to be met in ways that are effective, efficient and sustainable for council and local communities such as Farley.

Maitland City Council is considering new ways to plan facilities and services to better address increasingly diverse and complex community needs. The intention of this Section 94 Plan for Farley is to set the framework for the timely provision of a full range of community facilities and services appropriate to the changing needs of the Urban Release Area for the next 10-15 years.

The *Farley Urban Release Area Section 94 Requirements 2014*, was prepared by Maitland City Council to support and inform the preparation of the Section 94 Plan for Farley as it relates to the provision of Community Facilities. This Review draws on the findings of the adopted *Community Facilities and Services Strategy 2012* and the *Draft Farley Urban Release Area Community Facilities and Open Space Requirements (May 2015)* prepared specifically to inform the community facilities and service requirements to offset the impact of the new incoming population of the Farley URA.

5.2.2 NEXUS

There are currently no existing community facilities within the suburb of Farley and therefore there is no capacity to offset the community facility requirements of the incoming population. Council has provided a network of community facilities in areas throughout the city, which generally meet the needs of the current population. The review of community facilities has identified that existing community facilities in the suburbs abutting Farley are heavily utilised and have no capacity to offset the demand generated from the Farley URA.

Council will therefore need to provide community facilities space commensurate with the projected growth within the Farley release area. Council will respond to priorities by providing multi-purpose space; a flexible approach already commenced in Maitland at Ashtonfield, Thornton and Woodberry.

The range and type of new community facilities required for the future Farley population has been assessed and documented in the *Draft Farley Urban Release Area Community Facilities and Open Space Requirements (May 2015)*. The assessment is based on:

- A review of the existing population profile of Farley and the surrounding area
- An assessment of the capacity of existing facilities and services in Farley and the surrounding areas
- An understanding of future population growth and development in the western sector of the city
- Population projections for the Farley urban release area
- Anticipated thresholds and catchment areas
- Anticipated needs and preferences of the future population

Under this Plan a multipurpose facility will be provided that has flexibility to cater for a variety of community activities and programs that meet the needs of the incoming population with contributions under the Plan levied accordingly.



5.2.3 CONTRIBUTIONS CATCHMENT

The combined projected increased population of Farley, Aberglasslyn and Rutherford (infill) is estimated to result in a population in excess of 11,100 people. For higher order facilities such as libraries the combined areas of Farley, Aberglasslyn and Rutherford will form a single catchment with costs for capital only apportioned across the Aberglasslyn and Farley URA's and projected infill within the Rutherford precinct. The existing library at Rutherford has a floor space of approximately 400sqm. The projected requirement is 800sqm. It is proposed to apportion the capital value of the additional 400sqm of library space required across the projected increased populations of Farley, Aberglasslyn and Rutherford infill with apportionment to the Farley URA catchment of 38%.

Other community services requirements are based on the single release area catchment of Farley and are apportioned 100% to development.

5.2.4 FACILITIES STRATEGY

General guiding principles adopted for the design and spatial distribution of future community infrastructure proposed for Farley include:

- Multipurpose facilities – that can be used by a variety of groups for a range of activities throughout the day and evening hours;
- Higher order infrastructure – with future facility planning focussing on larger, better appointed, centrally located and more multipurpose facilities rather than smaller, single purpose ones;
- Shared use infrastructure – with community infrastructure being used by different groups and also funded jointly;
- Activity centres/main street design with community facilities seen as an integral component of activity centres (town, local, neighbourhood centres) with a strong street presence and high visibility;
- Flexibility – ensuring that planning and design enables growth and adaption of facility design and size to ensure facilities are able to evolve with changing needs;
- Partnerships – where Council works in partnership with others (including State Government and community organisations) to jointly fund, deliver and manage community facilities;

The Community Facilities Strategy for Farley includes the creation of a community hub in the proposed new Farley town centre that will be centrally located and form a key part of the centre. The hub will include floor space of 600sqm.

5.2.5 APPORTIONMENT

This Plan adopts the approach of levying contributions based on demand for multipurpose community facility floor space generated by the development of the Farley Release Area. As indicated above, the catchment area for the library extends over both Aberglasslyn and Farley Urban Release Areas as well as Rutherford infill development. Therefore it is proposed to apportion 38% of library costs to the Farley URA as a capital contribution to upgrade the library facilities in Rutherford. There is no requirement to levy for a land contribution.



5.2.6 CALCULATION OF CONTRIBUTION -

For the expected population increase of 4,050 people the following facilities will be provided:

Local Multipurpose Community Centre	total cost = \$3,494,634
Contribution to Rutherford Library (Capital only)	total cost = \$970,818

The contribution formula for Community Facilities is:

$$\frac{C + L}{P}$$

Where: C = Capital and Half Width Road Costs of Facility
L = Land Acquisition Costs
P = Benefiting No of People

$$\frac{\$4,297,152 + \$168,300}{4050}$$

The total contribution for Local Multi-purpose Community Facilities is therefore:

= **\$1,103** per person
= **\$2,977** per lot (based on the assumed occupancy of 2.7 persons per lot)

The formula for the Dedication of Land (m² / person) for Local Open Space is:

$$\frac{L}{P}$$

Where: L = Total Open Space and Recreation land requirements (m²)
P = The total projected resident population

$$\frac{3000}{4050}$$

= 0.7m² per person
= 2m² per lot (based on the assumed occupancy rate of 2.7 persons per lot)



5.3 ROAD & TRAFFIC MANAGEMENT

5.3.1 INTRODUCTION

The road works and traffic management facilities in this Plan are required to meet the increase in traffic volumes as a result of the Farley development. The need for the infrastructure has been determined based upon the following background documents:

- Farley Area Plan (DCP)
- Farley Urban Release Area Traffic and Access Strategy – prepared by SECA Solution

5.3.2 NEXUS

The traffic generation from the Farley development will result in a significant increase in traffic on the existing local and State Road network generating a need for new and/or upgraded traffic facilities, roads and intersections to:

- ensure safe and efficient traffic movement, and access
- address the potential for functional conflict
- maintain environmental amenity and level of service
- ensure continued road network connectivity and capacity

The roads and traffic management works will be undertaken both at the New England Highway access to the new development, at the interface and within the existing road network.

Modelling of the traffic generated demand from Farley has been undertaken and a specific schedule of infrastructure works for road and traffic management has been identified together with development thresholds. The timing of the provision of the works will be based on the staging and demand for lots within the area. Works programmes will be regularly reviewed and revised depending upon development trends, State Government planning policy and available funding.

5.3.3 CONTRIBUTIONS CATCHMENT

The Section 94 contributions for the Road and Traffic Management infrastructure have been determined on the basis of single release area or contributions catchment.

5.3.4 FACILITIES STRATEGY

Road works and traffic management facilities are identified in the Farley Area Plan (DCP) and supporting technical studies, and as amended by reviews undertaken by Council.

A summary of proposed Road and Traffic Management infrastructure works and costs within the Farley release area is provided in Section 6.4 of this Plan.

5.3.5 APPORTIONMENT

The Road and Traffic Management infrastructure works detailed in this Plan have been designed to meet the demands of the future development of the Farley release area.

Accordingly all works required under this plan are considered to be a direct result of the Farley development and are apportioned 100% to the new development.



5.3.6 CALCULATION OF CONTRIBUTION

Total capital costs for the proposed works were prepared by Council's Infrastructure Planning and Development Engineers and are detailed in *Farley Section 94 Strategic Road Cost Estimates* available for viewing at Council's Administration Building. These estimates do not include any allowance for staging of the intersection works. Staging will only be considered where it presents no additional costs and impact on the Section 94 Plan and the development of Farley.

The contribution formula for Road and Traffic Management Facilities is therefore:

$$\frac{C + L}{P}$$

Where: C= Capital costs of facility
L = Land Acquisition Costs
P= Benefiting No of People

$$\frac{\$11,337,723 + \$412,829}{4,050}$$

= **\$2,901** person

= **\$7,834** per lot (based on assumed occupancy of 2.7 persons per lot)



5.4 CYCLEWAYS/SHARED PATHS

5.4.1 INTRODUCTION

The Draft Maitland Bike Plan and Strategy 2012, provides an overarching strategy for the provision of cycle facilities within the LGA. Its vision is to improve the extent of coverage and completeness of the bicycle facilities and details a series of *Bicycle Trunk Routes*, which form the primary citywide bicycle routes within the overall Maitland LGA cycleway network. These trunk routes act as “spokes” which connect to “hub” destinations such as commercial centres, industrial areas, schools and urban railway stations.

Council is committed to the development of a safe and practical cycleway network for the Maitland LGA. New development in the Farley release area will increase the demand for cycleways, which will be provided on-road to an improved standard to encourage cycle use. These routes will be supported by off-road and recreational cycle routes that connect the suburb to public transport, schools and commercial areas.

It has been identified that a connection between the Farley URA and the on road cycleway along the northern section of Wollombi Road in Rutherford will be required which in turn connects with Central Maitland and other routes throughout the LGA. In addition it is proposed to provide a network of off-road trails to complement the trunk cycleways. The network will provide for a shared off road trail network with pathways aimed at connecting major parcels of open space community facilities and transport hubs. In this respect, provision will be made for a 2.5m shared pathway within a 7m corridor with the extent of the corridor covering 2.2 kilometres.

5.4.2 NEXUS

The Maitland Bike Plan and Strategy 2012 is seen as integral to the city's transportation system. It recognises the bicycle as an alternative to motor vehicles and buses and in some cases is the only transport option for sections of the community. A well developed and comprehensive cycleway network can supplement the public transport system, particularly in local areas for short journeys, thus providing a cheap and efficient means of transport for the community in general.

It is recognised that the Bike Plan covers a network of routes that are available to all cyclists to use, irrespective of their residence location. Whilst usage for certain segments will be generally limited to that of local residents, other segments passing through established areas will be significantly utilised by up-stream new development or by general city-wide users. For this reason the Bike Plan proposes that:

- a) cycleways within future development areas will be well designed, included in DCP's where appropriate and be constructed at no cost to Council;
- b) cycleways within the development that link future development areas to the Bicycle Trunk Route Network or hub locations, and that are required solely as a result of that development, will be well designed shared paths, included in DCP's where appropriate, and constructed at no cost to Council.

In all other cases the trunk route network will function as a citywide system with costs for the network apportioned over the entire population as detailed in Council's Citywide Contributions Plan.



5.4.3 CONTRIBUTION CATCHMENT

For section 94 planning purposes the Farley cycleways are based on a single release area catchment. The contributions for cycleways in the Plan have therefore been determined on the same basis.

5.4.4 FACILITIES STRATEGY

This Contributions Plan includes a link from the Farley URA into Council's Trunk Route Network and a network of off-road trails to complement the trunk cycleways connecting open space, shopping centres and transport hubs.

5.4.5 APPORTIONMENT

Demand for the cycleway routes covered by this Plan arises as a direct result of the development of the Farley release area. Costs for the facilities are therefore apportioned 100% to the new development.

5.4.6 CALCULATION OF CONTRIBUTION

Total capital costs for the proposed works are \$1,134,850.

In addition 15,400sqm of land will need to be acquired for the facilities in Farley at a total cost estimate of \$863,940.

The contribution formula for cycleways is therefore:

$$\frac{C + L}{P}$$

Where: C = Capital Costs of Facility
L = Land Acquisition Costs
P = Benefiting No of People

$$\frac{\$1,134,850 + \$863,940}{4050}$$

= **\$494** per person

= **\$1,333** per lot (based on the assumed occupancy of 2.7 persons per lot)



5.5 PLAN MANAGEMENT & ADMINISTRATION

5.5.1 NEXUS

The Administration of Section 94 is an expensive task. Council employs staff to coordinate the implementation of the Plan and of works, as well as the financial accounting of contributions received. In addition consultant studies are often commissioned in order to determine design and costings of works, as well as to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities demanded by development throughout the Farley release area. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 2.5% of all development contributions payable over the life of the Plan is a reasonable contribution towards Plan Management and Administration functions.

5.5.2 CONTRIBUTION CATCHMENT

Plan administration and management is based upon a single release area catchment and contributions have therefore been applied on this basis.

5.5.3 FACILITIES STRATEGY

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning and valuation specialists) to carry out studies.

6. SUPPORTING DOCUMENTATION

6.1 REFERENCES

The References which have been used in the drafting of this Plan includes:

- Census 2011, Australian Bureau of Statistics
- Maitland Section 94 Contributions Plan (Citywide) 2016, Maitland City Council
- Revised Maitland Urban Settlement Strategy (2012), Maitland City Council
- Farley Area Plan (DCP)
- Childcare Study for Maitland City Council (2005), Families at Work
- Citywide Section 94 Contributions Plan (2006-2016) Review of Open Space and Recreation (2007), Maitland City Council
- Farley Urban Release Area Community Facilities and Open Space Requirements – May 2015, Maitland City Council
- Development Contributions Practice Notes (2005), Department of Planning
- Community Facilities and Services Strategy (2012), Elton Consulting
- Library Space Study (2001), David Jones
- Library Services Strategic Plan, 2007-2012, Maitland City Council
- Public Library Building Guidelines, State Libraries of NSW
- Maitland Bike Plan and Strategy (2012), Maitland City Council
- Farley Urban Release Area Traffic Access Strategy – March 2014, SECA Solution
- Farley Section 94 Strategic Road Cost Estimates, Maitland City Council
- Maitland Community Profile (2011), Maitland City Council



6.2 DEMOGRAPHICS & EXPECTED TYPES OF DEVELOPMENT

6.2.1 EXISTING POPULATION CHARACTERISTICS

Farley is located to the west/south-west of the nearby suburbs of Rutherford, Telarah and Aberglasslyn. It is located on the Main Northern Rail Line, is easily accessible to the New England Highway and is in close proximity to the Major Regional Centres of Maitland and Cessnock. Direct access to the new Hunter Expressway is available via either Kurri Kurri to the south-west or Lochinvar to the north-west.

The Lower Hunter Regional Strategy (Department of Planning, October 2006) identified land within the Farley locality as a proposed new urban area to provide for major residential growth in the region, with the boundaries to be defined through local planning. The Strategy directs new development to locations primarily within close proximity to major centres and employment lands, maximising access to services and employment opportunities.

The Farley Urban Release Area (URA) was identified and rezoned for residential development in 2012 in response to this Strategy. It comprises an area of approximately 160 hectares of land, providing for an estimated 1500 new residential lots, accommodating for around 4,050 residents.

In order to determine the demographics of a new population at Farley, it is possible to review similar urban areas in the Maitland LGA to understand the type and amount of demand for new infrastructure and services.

The key demographic characteristics of the Maitland LGA are considered to have remained relatively unchanged over the last census period (2006-2011) and are considered to be applicable to the future development of Farley and the Maitland area in general:

- The Maitland LGA has a young age structure when compared to the NSW average. However, recent changes in demographic structure show an increase in elderly age groups.
- A traditional household of two parent families is prominent.
- Maitland has a relatively stable population in terms of resident mobility.
- Separate houses continue to be the dominant dwelling type.
- Slightly higher level of home ownership and slightly lower level of home purchase in the Maitland LGA when compared to the State average.
- The population has a relatively low level of tertiary educational attainment.
- Annual household incomes are slightly lower than the State average with a higher percentage of middle-income households and a lower percentage of high-income families.

Demographic projections for the Hunter Region suggest that population structure will change over the next 25 years, with an ongoing trend towards an aging population (HVRF, 2009). The proportion of the population aged over 65 years will continue to increase with a forecast reduction in the proportion of youth and children.

One impact of an aging population is that the number of residents per dwelling decreases as the population ages. The following table details the change in household size that has occurred in Maitland since 1986.

Year	Population	Dwellings	Household size
1986	44,273	14,071	3.1
1991	46,844	15,288	3.0
1996	49,847	17,475	2.8
2001	53,803	19,475	2.7
2004	58,000	22,300	2.6
2006	64,670	23,952	2.7
2011	69,646	25,794	2.7
2012	71,866	26,617	2.7
2013	73,447	27,448	2.7
2014	75,170	28,187	2.7

Table 3: Population & Household Size

The ABS data for 2013 indicates that the Maitland average occupancy rate has remained steady at 2.7 people per household. One reason for this is likely to be the influence of newly developing urban release areas where occupancy rates are actually higher such as Chisholm (3) and Aberglasslyn (3.2) as well as established areas with a high proportion of younger families such as Ashtonfield (3) and Thornton (3) which then balance out with lower occupancy rates across other areas of the LGA.

To determine an appropriate occupancy rate for the purposes of this Plan, data provided in the ABS 2011 Census of Population and Housing Community Profile has been used.

Based on this analysis, an average occupancy rate of 2.7 people per lot or separate house or 3 bedroom multi-unit dwelling has been assumed for Farley.

The occupancy rate for smaller multi-unit housing (excluding seniors living and granny flats) is assumed to be 2.0 people per dwelling.

6.2.2 POPULATION PROJECTIONS

Forecasting the size and characteristics of the future population is a complex matter, and predictions are more generally suitable for use in short-term planning compared with long-range predictions.

Population change is determined by two key factors (i.e. births/deaths and migration) and is more accurately calculated at a large spatial scale. At the micro scale, population is more greatly influenced by local development and factors such as migration, which are difficult to control and record.

The Maitland LGA continues to experience one of the largest inland growths in NSW. Population growth is currently 2% pa and this rate is expected to continue.

For the Farley release area, a higher population growth rate is expected, owing to the locational advantages of the area, popularity of new urban areas and the demand for housing in the western districts of the Maitland LGA. A population growth of between 200 and 300 new residents is predicted annually, or on average the release of 80-110 residential allotments each year. For the purposes of this Plan, a linear population growth is used, hence while it is expected that an average of 80-110 dwellings will be released each year, in some years this may be exceeded or not achieved.

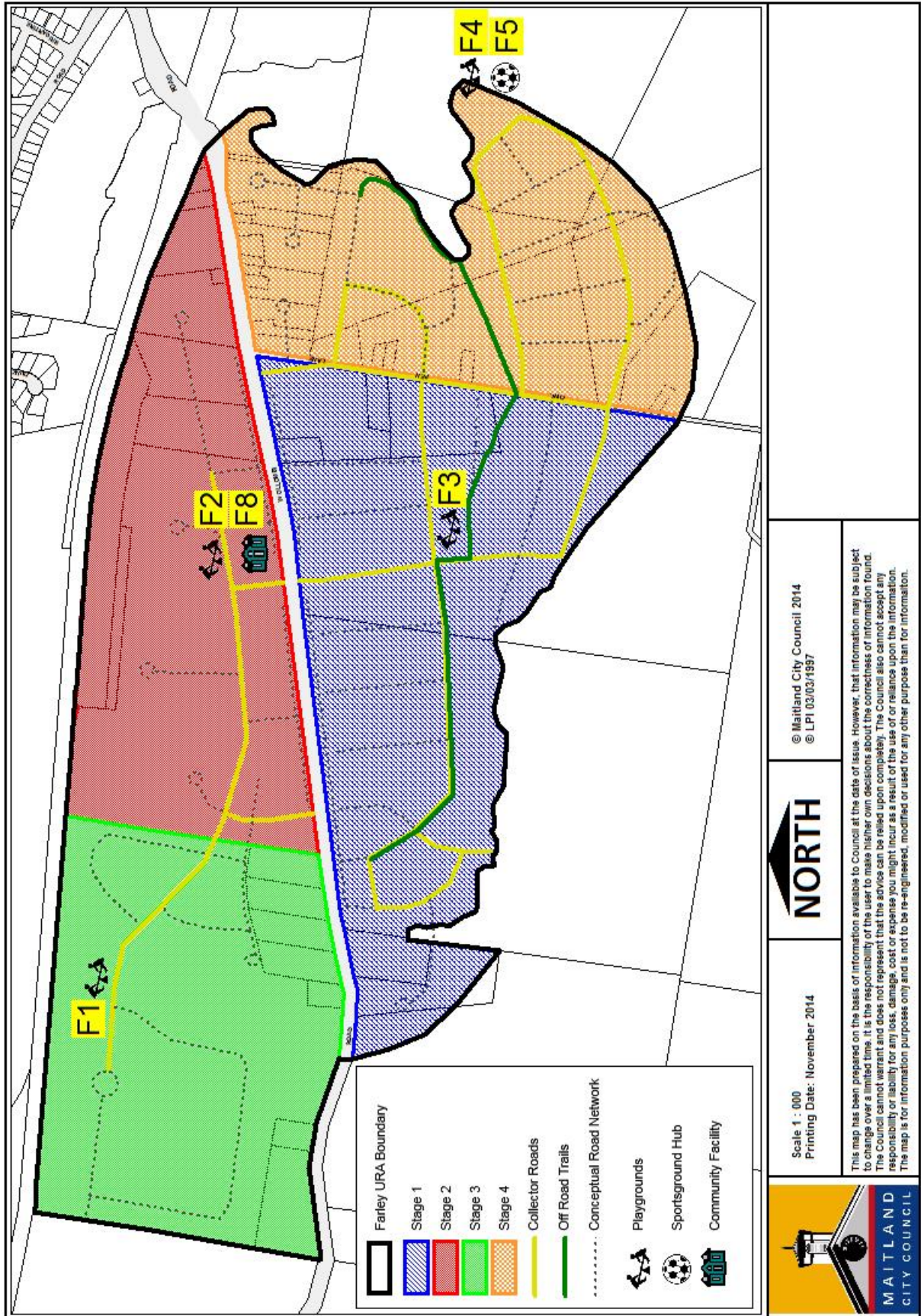
On the basis that the Farley release area contains approximately 1,500 residential lots, it is estimated that development may occur over a 10-15 year timeframe. An ultimate population of approximately 4,050 residents may call Farley home.

Residential development will contain a mix of separate dwellings, duplexes, townhouses and smaller lot residential housing. A target density of 10-15 dwellings per hectare is proposed for the Farley release area.



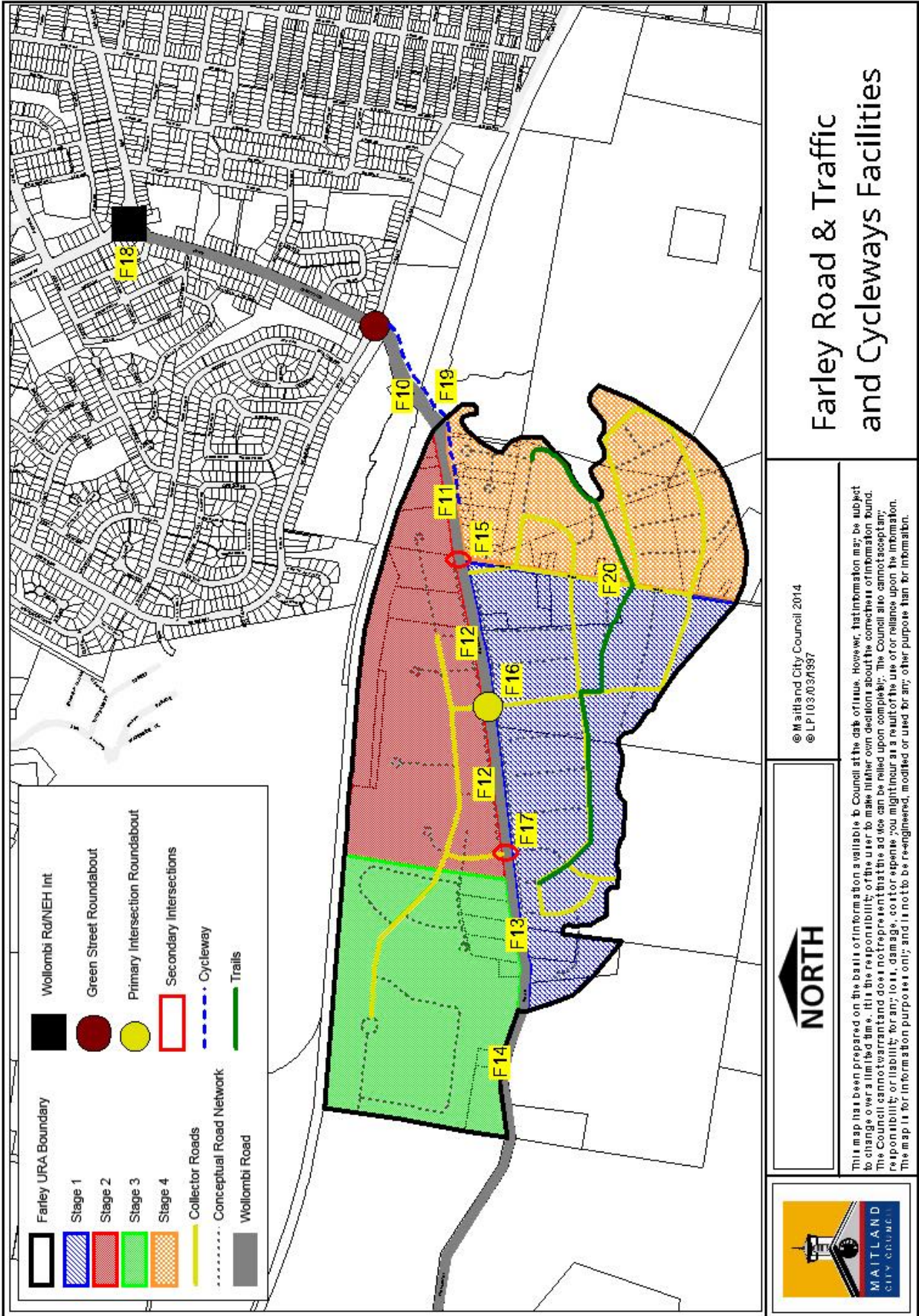
6.3 MAPS





Map 2: Recreation & Open Space and Community Facilities Layout





Map 3: Road & Traffic Facilities Layout



6.4 WORK SCHEDULES



LAND ACQUISITION / DEDICATION DETAILS

Facilities		Approximate Location	Land Required (Ha)	Valuation Basis	Land Value Base Index (\$ / Ha)	Total Value
LOCAL RECREATION AND OPEN SPACE FACILITIES						
Local Neighbourhood Playground	F1	North West Precinct	0.5	Englobo	\$561,000	\$280,500
	F2	North East Precinct	0.5	Englobo	\$561,000	\$280,500
	F3	South East Precinct	0.5	Englobo	\$561,000	\$280,500
	F4	South East Precinct - Collocated with Sportsground Hub	0	Englobo	\$561,000	\$0
Sportsground Hub	F5	South East Precinct	6.5233	Englobo	Various	\$1,879,962
TOTAL			8.0233			\$2,721,462
COMMUNITY FACILITIES						
Local Multi-purpose Community Centre	F8	Central Precinct	0.3	Englobo	\$561,000	\$168,300
TOTAL			0.3			\$168,300

Table 4: Land Acquisition Details



RECREATION & OPEN SPACE FACILITIES

Services / Facilities		Location	Est. Capital Cost	Half Width Road Construction	Est. Land Cost	Total Cost	Timing / Staging
Local Playgrounds	F1	North West Precinct	\$404,270	\$281,535	\$280,500	\$966,305	Stage 3
	F2	Central Precinct	\$404,270	\$242,972	\$280,500	\$927,742	Stage 2
	F3	Central/Southern Precinct	\$404,270	\$273,018	\$280,500	\$957,788	Stage 1
	F4	South East Precinct - Collocated with Sportsground Hub	\$404,270	\$0	\$0	\$404,270	Stage4
Neighbourhood Sportsground Hub*	F5	South East Precinct	\$8,665,016	\$219,091	\$1,879,962	\$10,764,069	Stage 4
Contribution to Anambah Sportsground	F6	Cnr NEH/Anambah Road	\$1,628,359	\$0	\$0	\$1,628,359	Stage 4
Contribution to Competition Netball Courts	F7	Maitland Park	\$486,554	\$0	\$0	\$486,554	Stage 4
TOTAL			\$12,397,009	\$1,016,617	\$2,721,462	\$16,135,087	

Table 5: Recreation & Open Space Work Schedule

* Facilities included in the Neighbourhood Sportsground Hub :

- multi-purpose playing fields,
- 2 netball training courts,
- 2 tennis courts,
- 2 cricket practice areas,
- skate park,
- off leash dog area,
- playground,
- amenities building,
- access road and car parking spaces,
- landscaping.



COMMUNITY FACILITIES

Services / Facilities		Location	Est. Capital Cost	Half Width Road Construction	Est. Land Cost	Total Cost	Timing / Population Threshold
Local Multi-purpose Community Centre	F8	Central Precinct	\$3,215,919	\$110,415	\$168,300	\$3,494,634	3000
Contribution to Rutherford Library	F9	Rutherford Library	\$970,818	\$0	\$0	\$970,818	4050
TOTAL			\$4,186,737	\$110,415	\$168,300	\$4,465,452	

Table 6: Community Facilities Work Schedule



ROAD & TRAFFIC FACILITIES

Facilities		Location	Estimated Cost	Land Acquisition	Total	Timing/ Staging
Wollombi Road Upgrade						
Road Upgrade	F10	Green Street to Rail Bridge	\$996,050	\$10,588	\$1,006,638	Stage 1
Road Upgrade	F11	Rail Bridge to Owlpen Lane	\$1,285,624	\$25,097	\$1,310,721	Stage 1
Road Upgrade	F12	Owlpen Lane to Western Intersection (excludes intersections)	\$1,969,941	\$43,947	\$2,013,888	Stage 1
Road Upgrade	F13	Western Intersection to Bends	\$782,645	\$32,947	\$815,592	Stage 3
Road Upgrade	F14	Bends to URA Boundary	\$1,239,327	\$42,831	\$1,282,157	Stage 3
Owlpen Lane Intersection + Widening						
T Intersection + Road Upgrade	F15	Realign T Intersection + Widening across selected frontages	\$927,239	\$120,403	\$1,047,642	Stage 1
Intersections						
Roundabout	F16	Wollombi Road Central Precinct - access to north & south URA	\$2,229,587	\$108,967	\$2,338,554	Stage 1
Upgraded T	F17	Wollombi Road Western Intersection - access to north URA	\$261,222	\$28,050	\$289,272	Stage 2
Signalised Intersection	F18	New England Highway/Wollombi Road - Multi Lane T	**\$1,646,087	\$0	\$1,646,087	Stage 1
Total			\$11,337,723	\$412,829	\$11,750,552	
Notes						
* All items include survey and legal costs						
** An amount of \$725,158 has been deducted from the total estimated cost of these works in this Plan as funding is also available in the 2006 City Wide Plan for this item.						

Table 7: Road & Traffic Work Schedule



CYCLEWAYS/SHARED PATHS

Service/Facility		Location	Est. Capital Cost	Est. Land Cost	Total Cost	Timing/ Staging
Shared Path Connection to Trunk Route	F19	Wollombi Road – as mapped	\$327,669	\$0	\$327,669	Stage 1
Off Road Trails	F20	As Mapped	\$807,181	\$863,940	\$1,671,121	Various
TOTAL			\$1,134,850	\$863,940	\$1,998,790	

Table 8: Cycleways/Paths Work Schedule

