

The City of Newcastle
Plan

**Development Contributions Plan
NO.4 - 2006**

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Development Contributions Plan No. 4, 2006

Transport Facilities
in
Blue Gum Hills

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1 Part A: Summary

1.1 Introduction

The development or redevelopment of an area generally creates a need for new or enhanced public amenities or services. Section 94 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows Council to collect development contributions for the provision of these public amenities or services.

This plan outlines development contributions required to enable the provision of transport facilities in the Blue Gum Hills Corridor.

1.2 Summary of Works Program

PLAN INDEX	STREET OR LOCATION	NATURE OF WORK	COST
1	Longworth Avenue between Cameron Street/Cowper Street and Newcastle Road	Road realignment and construction	\$2,579,000
2	Minmi Road between Sandgate Road and Macquarie Street	Southside construction of kerb and gutter and road shoulder; construction of shared pedestrian/cycle path; and north side widening of road shoulder surfacing to cater for on-road cyclists	\$995,000
3	Traffic Signals at Maryland Drive East	Installation of traffic lights at Maryland Drive and associated road works	\$675,000
4	Minmi Road between Maryland Drive East to Summerhill	Road realignment and construction to provide two traffic lanes in each direction	\$2,355,000
5	Minmi Road between Summerhill and Bottlebrush Boulevarde	On-road cycleway, traffic signals, and associated road works	\$505,000
6	Minmi Road between Bottlebrush Boulevarde and Maryland Drive West	On-road cycleway and bus shelter	\$61,500
7	Minmi Road between Maryland Drive West and Britannia Boulevarde	Cycleway and footway, kerb and gutter construction, drainage and guardrail adjustments	\$322,500
8	Macquarie and Wentworth Streets	Traffic Calming Devices	\$175,000
9	Longworth Avenue and Douglas Street	Traffic Calming Devices	\$115,000
Total (July 2005 costings)			\$7,783,000
Total (indexed to March 2006)			\$7,966,562

1.3 Contribution Rates

The development contribution rates for the provision of transport facilities in the Blue Gum Hills corridor are:

\$ 1,795	per separate allotment or per dwelling unit of three bedrooms or more in multi-housing development
\$ 897	per dwelling unit of two bedrooms or less in multi housing development

2 Part B: Administration and Operation of the Plan

2.1 Name of this Plan

This development contributions plan is called “Development Contributions Plan No. 4, 2006 - Transport Facilities in Blue Gum Hills” (“the Plan”).

2.2 Land to which the Plan Applies

This plan applies to land within the Newcastle Local Government Area (LGA) shown on **Figure 1**, includes the Blue Gum Hills Corridor and parts of Wallsend.

2.3 Purpose of the Plan

The purpose of the Plan is to:

- Provide an administrative framework under which transport facilities and strategies may be implemented and coordinated.
- Ensure that adequate public facilities are provided for and as part of any new development.
- To authorise Council to impose conditions under section 94 (s94) of the *EP&A Act* when granting consent to development on land to which this plan applies.
- Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis.
- Enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

2.4 Commencement of the Plan

This Plan has been prepared pursuant to the provisions of section 94 of the *EP&A Act* and Part 4 of the *Environmental Planning and Assessment Regulation, 2000* (EP&A Regulation) and takes effect from 14 of August 2006.

2.5 Relationship to Other Plans and Codes

This development contributions plan repeals the former Newcastle City Council (NCC) Section 94 Contributions Plan No. 4 – Transport Facilities in Blue Gums Hills (Plan No. 4, 1997).

The development contributions plan supplements the provisions of:

- Newcastle Local Environmental Plan 2003 and any amendment or local environmental plan it may supersede.
- Newcastle Development Control Plan 2005

2.6 When is Contribution Payable?

Payment of monetary contributions should be finalised at the following stages:

- **Development Applications involving subdivision:** prior to certification of the plan of subdivision.
- **Development Application involving building work:** prior to the issue of a Construction Certificate.

- **Development Applications where no subdivision or building works are involved:** prior to the commencement of the development or the use of the land or building.

2.7 Construction Certificates and the Obligation of Accredited Certifiers

In accordance with section 94EC 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 work issued with 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. If payment is by a company or personal cheque, the Certifier should confirm that the cheque has cleared prior to issuing a Construction Certificate.

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.

2.8 Deferred or Periodic Payment

The Council may permit the settlement of the development contribution to be deferred or made by way of periodic instalments. In assessing such a request, the Council needs to ensure that no prejudice will be caused to the efficiency and operation of the Plan or to the community deriving benefit from the public facility.

A request for deferral or periodic payment should:

- be made in writing by the applicant or other person entitled to act on the consent;
- state valid reasons for deferral or periodic payment; and
- propose arrangements for the settlement of the contribution.

Deferral of settlement may be for the duration of the development consent or until occupancy occurs, whichever is the sooner.

The applicant will be required to provide a bank guarantee to Council's satisfaction for the amount of the outstanding contribution and an additional amount to cover likely inflation levels for the period the guarantee is intended to operate. The outstanding contribution will be indexed as set out in Section 2.11.

Indexing will be calculated from the date of the development consent until the date of payment. The applicant will be required to pay the contribution, the accrued interest and any charges associated with establishing or operating the bank guarantee.

The Council will require an appropriate deed to be executed regarding these matters, at the applicant's expense. The Council reserves the right to terminate such an agreement at any time and, upon written notice to the applicant, the applicant will be required to make the contribution.

2.9 Can the Contribution be Settled “in-kind” or Through a Material Public Benefit?

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

Council may accept such alternatives in the following circumstances:

- (a) The value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan;
- (b) The standard of the works is to Council's full satisfaction; and
- (c) The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council may require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the Council. Council may review the valuation of works or land to be dedicated and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

2.10 Review of Contribution Rates

This Plan will be operational for the period 2006–2016 and will be reviewed on a regular basis within the 10 year time frame. Future reviews will consider actual lot and dwelling yields and timing of development as well as actual traffic flows. To fit in with the timing of works, future reviews should be undertaken in 2011 and 2016.

Where the Council or a State Government Authority makes decisions on the construction of infrastructure in the area covered by the Contribution Plan, Council should review if these decisions have any bearing on the works set out in the schedule of the Plan and, if necessary, adjust the works schedule.

To ensure that the value of contribution rates are not eroded over time by increased construction costs, Council will review the contribution rates. 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 CPI, the contribution rates within the plan will be reviewed on a quarterly basis using the following formula:

$$\text{\$C}_A + \frac{\text{\$C}_A \times (\text{[Current Index - Base Index]})}{\text{[Base Index]}}$$

Where:

\\$C_A	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index (Consumer Price Index)	is the CPI as published by the Australian Bureau of Statistics available at the time of review of the contribution rate;
Base Index (Consumer Price Index)	is the CPI as published by the Australian Bureau of Statistics at the date of adoption of this Plan which is December 2005.

Note: In the event that the Current CPI is less than the previous CPI, the Current CPI shall be taken as not less than the previous CPI.

2.11 How Contributions are Adjusted at the Time of Payment

The contributions stated in a consent are calculated on the basis of the s94 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 in the following manner:

$$\text{\$C}_P = \text{\$C}_{DC} + \frac{[\text{\$C}_{DC} \times (\text{\$C}_Q - \text{\$C}_C)]}{\text{\$C}_C}$$

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 Part C: Strategy Plans

3.1 Planning District Profile

The Blue Gum Hills Contributions Catchment comprises approximately 10 square kilometres of land located 15 kilometres west of the Newcastle Central Business District. The area to which this catchment applies is shown in **Figure 1**.

The area has been identified for urban development. Development has commenced and is likely to continue for the next 15 years depending on wider economic conditions. It is estimated that the area can support a population (including the existing populations at Maryland and Minmi) of approximately 17,000 people (dependent on additional land capability and planning studies).

This area has been the subject of a number of studies which provide base information for the preparation of this Plan. The main study this Plan draws from is the Maryland-Minmi Corridor Integrated Local Area Plan 1996 (ILAP) which updates the Maryland Minmi Structure Plan 1994.

The strategy for the provision of public services and facilities within this Plan is to treat the corridor as a whole, including the existing suburbs of Maryland and Minmi, as well as the linkages of the corridor to the wider sub-regional network. The provision of services and facilities is based on a model of ensuring that each neighbourhood in the corridor is adequately served with a baseline level of services, as well as access to district level facilities and services.

3.2 Predicted Development Patterns

Past Population Growth

As shown in **Table 3.1**, the BGH Planning District had a population of 6,227 people at the 1996 Census. At the 2001 Census the population had increased to 8,243, representing a 32% rise. The number of dwellings within the BGH Planning District increased 38% over the same time.

Table 3.1: Population and dwellings of BGH at the 1996 and 2001 Census

Suburbs	Population			Dwellings		
	1996	2001	Change	1996	2001	Change
Maryland	5,738	6,892	1,154	1,909	2,384	475
Fletcher	0	702	702	0	274	274
Minmi	489	649	160	173	220	47
Total	6,227	8,243	2,016	2,082	2,878	796

Future Population Growth

The rate of development in the BGH corridor is influenced by market conditions which are difficult to predict with certainty. Decisions regarding development are made by land owners, land developers and other stakeholders in the private sector influenced to varying degrees by policies and actions at all levels of government. Development is expected to occur simultaneously in several locations.

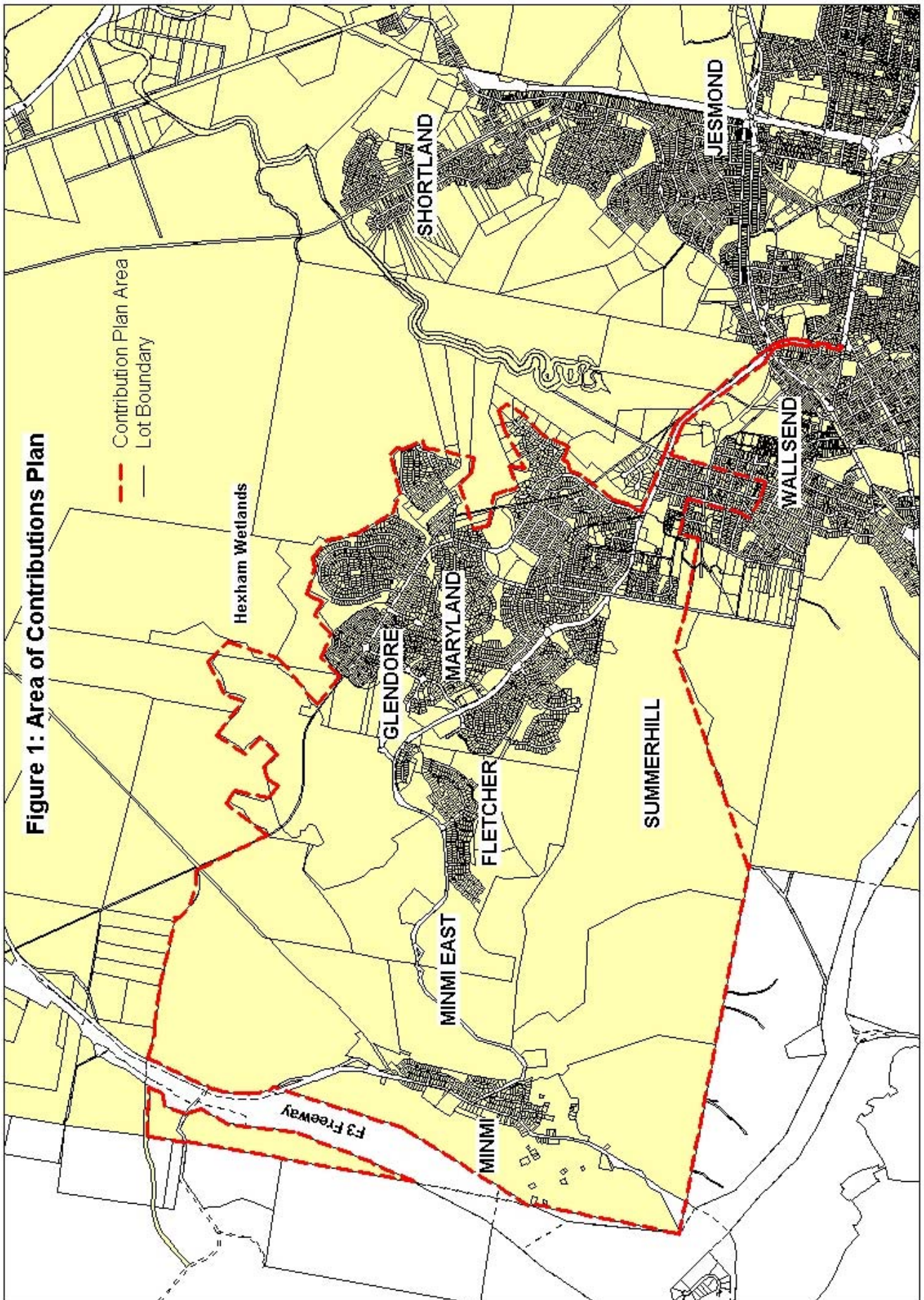


Figure 1: Area of Contributions Plan

The table below details the projected lots within the existing 2(a) residential zoned land of BGH and other land identified in the Maryland – Minmi ILAP as having development potential.

Table 3.2: Current and anticipated lots

Lots developed prior to 1997	Estimated additional lots (developed after 1997)		Estimated Total Lots
	Lots Developed while Plan No. 4, 1997 in operation	Expected future lots under Plan No. 4, 2006	
3,203	1,659	329	5,190

3.3 Nexus

The following factors are relevant in determining the relationship (nexus) between new development and demand for upgraded transport facilities:

- The new development will require the provision of new transport facilities and the upgrading of existing facilities for transport including road realignment and widening, cycleways, pedestrian facilities, bus shelters, traffic signals, and traffic calming devices as set out in the Works Program shown in **Table 3.4**.
- It is reasonable that these be apportioned between the new development in Blue Gum Hills and the existing population that will benefit.

Development approved while Plan No. 4, 1997 was operational paid contributions to the works outlined in Plan No. 4, 1997. Any unspent contributions will be utilised in financing the construction of facilities outlined in this Plan.

3.4 Demand for Transport Facilities

The attribution of contributions in this Plan is based on increases in traffic flows above the existing levels. Peak period traffic flows, combined with current peak hour traffic counts provide the best basis for assessing the need for works. The basis for works is therefore the manually projected peak period traffic flow, as set out in Figures 3, 7 and 8 of the Hallam Study and updated by the Brown traffic model in 2001.

Increases in traffic flows will generate an additional need for transport facilities in the BGH corridor. These additional facilities are identified in the works program of this Plan.

3.5 Works Program

Detailed investigation and assessment of transport facilities was provided in the report “Section 94 Contributions Study - Transport Facilities - Final Report” by Christopher Hallam and Associates (December 1995). The scope of works contained in Plan No. 4, 1997 was reduced from those outlined in the Hallam study as a result of reviews of reasonableness and nexus. Due to expected lower lot and dwelling numbers in the BGH corridor, the scope of works was again reduced for this plan.

A number of works outlined in Plan No. 4, 1997 have already been completed and are shown with their construction costs in **Table 3.3**. The interest shown in the table is the interest paid on money borrowed to fund these works.

3.6 Timing of Works

As shown in **Table 3.4** the works program has been divided into long, medium and short term works. Short term works can commence after contributions, collected after the adoption of this Plan, have been paid for the equivalent of 365 lots, all medium works after 1,041 lots, and all term works after an 1,700 lots. The timing of works will therefore be dependent upon the rate of development in the corridor as well as when Council's proportion of funding is available. Based on current levels of development, it is estimated that short term works will be completed between 2006 and 2011, medium term works between 2011 and 2016 and long term works after 2016.

Table 3.3: Completed works and their costs

Works	Cost
Bus Shelters	\$736,713.08
Acquisition of 39 Longworth Avenue	\$109,601.26
Construction of Intersection at Churnwood & Maryland Drives	\$312,782.00
Traffic Model	\$850.00
Interest	\$189,615.21
TOTAL	\$1,349,561.55

The works program shown in **Table 3.4** outlines the works to be provided under this plan and the cost of these works. The timing of the works has not been included as this is reliant upon the timing of development which is uncertain.

Table 3.4: Works Program

Plan Index	Street or Location	Nature of Work	Cost	Priority
1	Longworth Avenue between Newcastle Road and Sandgate Road	<ul style="list-style-type: none"> Reconstruct Longworth Ave to provide for two travel lanes south bound during morning peak traffic use period. Provision of right turn bays into Maitland Street, Bean Street and Cameron Street. Road widening (acquisition) on the western side from Cowper Street to southerly of Bean Street. Road pavement widening between Sandgate Road and Cameron/Cowper Streets. Construction of off-road shared pedestrian/cycle path along the eastern side of the road between Cameron Street and Braddon Street. 	\$2,579,000	Medium ¹
2	Minmi Road between Sandgate Road & Macquarie Street	<ul style="list-style-type: none"> Construction of kerb and gutter along the southern side of Minmi Road between Macquarie Street and Cowper Street. Construction of 2.5m shared pedestrian/cycle path along the southern side of Minmi Road between Macquarie Street and Cowper Street. Investigate improvements to street lighting. Shoulder widening on the northern side of Minmi Road between Macquarie Street and Cowper Street to provide for an on-road cycleway. 	\$995,000	Medium
3	Traffic Signals at Maryland Drive East	<ul style="list-style-type: none"> Installation of traffic control signals at Minmi Road/Maryland Drive (east) intersection and associated road works, including pedestrian crossings and provision of a left turn slip lane out of Maryland Drive. construct a 2.0 metre wide shared pedestrian/cycle path on the south side of Minmi Road Construction of a bus bay with relocation of the existing Bus Shelter on the north side of Minmi Road. 	\$675,000	Short

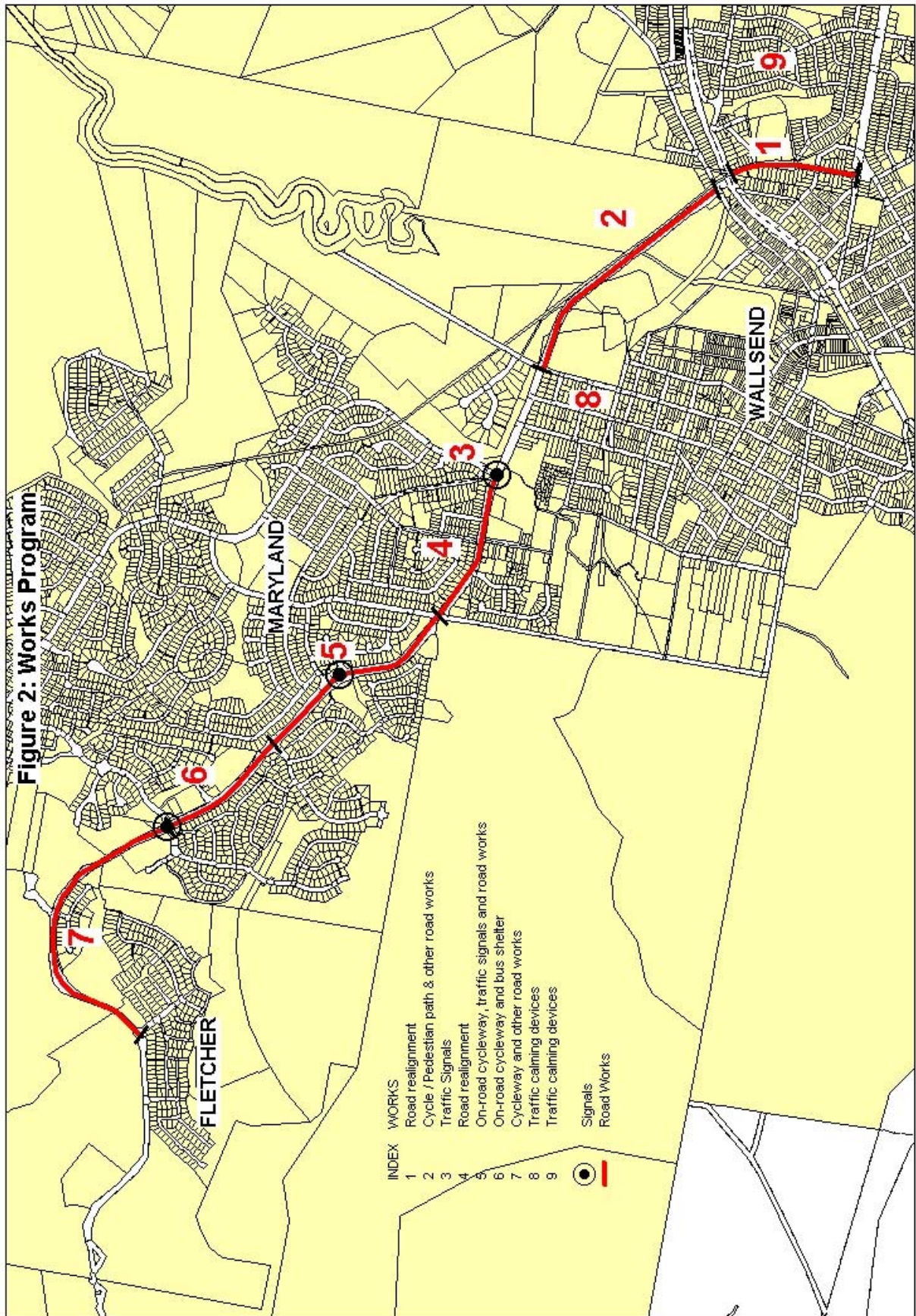
Plan Index	Street or Location	Nature of Work	Cost	Priority
4	Minmi Road Maryland Drive East to Summerhill	<ul style="list-style-type: none"> Two travel lanes in each direction are to be provided along Minmi Road between Maryland Drive (east) and Boundary Road at the Summer Hill Waste disposal Facility entry roundabout. Provision of right turn bays into Anna Place (east bound), Service Station (east bound) and McNaughton Avenue (west bound) and ban right turn movement into McNaughton Avenue (east bound). Provision of concrete footpaving on the north side of Minmi Road between Maryland Drive (east) to Boundary Road. Provision of an on-road cycleway on the southern side of Minmi Road between Maryland Drive (east) and McNaughton Avenue and between Anna Place and Boundary Road. Provision of a shared off-road pedestrian/cycle path on the south side of Minmi Road between McNaughton Avenue and Anna Place. 	\$2,355,000	Medium
5	Minmi Road between Summerhill & Bottlebrush Boulevarde	<ul style="list-style-type: none"> Provision of on-road cycleway each side. Installation of traffic control signals at the Minmi Road/Warkworth Street intersection including pedestrian crossings and associated road works. Provide kerb and gutter along south side of Minmi Road between Summerhill and Bottlebrush Boulevarde. Provision of Street lighting. 	\$505,000	Medium
6	Minmi Road between Bottlebrush Boulevarde & Maryland Drive West	<ul style="list-style-type: none"> Construction of on road shared pedestrian/cycle path between Bottlebrush Boulevarde and Maryland Drive (west). Bus Shelter to be located on southern side of Minmi Road adjacent to Churnwood Drive. Provision of Street lighting. 	\$61,500	Medium ²

Plan Index	Street or Location	Nature of Work	Cost	Priority
7	Minmi Road between Maryland Drive West & Britannia Boulevard	<ul style="list-style-type: none"> • Construction of on road cycleway on southern side of Minmi Road between Maryland Drive West and Britannia Boulevard. • Investigate improvements to street lighting. • Kerb and gutter and footway construction and associated road works on the southern side of Minmi Road between the proposed roundabouts at St Andrews Way and Windy Hill entrance. • Bus shelter to be located on northern side of Minmi Road between the proposed roundabouts at St Andrews Way and Windy Hill entrance. 	\$322,500	Long ³
8	Macquarie Street & Wentworth Streets	<ul style="list-style-type: none"> • Construct traffic calming devices in the Macquarie Street and Wentworth Street areas. 	\$175,000	Medium
9	Longworth Avenue & Douglas Street	<ul style="list-style-type: none"> • Construct traffic calming devices between Longworth Avenue and Douglas Street. 	\$115,000	Long
Total (July 2005 Costings)			\$7,783,000	
Total (indexed at 31 March 2006 CPI)			\$7,966,562	

¹ Priority will be reviewed depending on traffic levels

² Priority will be reviewed depending on development of adjacent 3(B) District Centre

³ Priority will be based on pedestrian safety near Bishop Tyrrell College



3.7 Apportionment of Works

The part of the works required due to development existing prior to the operation of Plan No. 4, 1997 will be a cost to Council and the part attributed to future development will be embodied in the Contributions Plan.

In the analysis, separate account has not been taken of traffic attracted to the retail centres to be constructed within the BGH corridor on the basis that this traffic is part of the traffic generated by the residential development. Should the retail centre be increased in size to attract visitors from outside the corridor, then consideration would need to be given to including the additional traffic generation in the Plan.

The percentage of cost attributed to further development is:

$$\begin{aligned}
 &= \frac{\text{Estimated additional lots}}{\text{Estimated Total Lots}} \\
 &= \frac{329 + 1659}{5,190} \\
 &= 38.30\%
 \end{aligned}$$

The percentage of cost attributed to future development for the various works outlined in this plan relates to all development in the corridor created after the implementation of the Plan No. 4, 1997. The cost attributed to further development is 38.30%.

3.8 Contribution Rates

$$\begin{aligned}
 \text{Development contribution} &= 38.30\% \times \text{total cost of works program} \\
 &= 38.30\% \times (\$1,349,562 + \$7,898,380) \\
 &= 38.30\% \times \$9,316,124 \\
 &= \$3,568,075.40
 \end{aligned}$$

$$\begin{aligned}
 \text{Development contribution per lot} &= \frac{\text{Development contribution}}{\text{Estimated additional lots}} \\
 &= \frac{\$3,568,075.40}{1988} \\
 &= \$1,794.81
 \end{aligned}$$

For the purposes of this Development Contributions Plan, a lot or three bedroom dwelling within multi-unit housing developments is assumed to generate 0.85 vehicles/hour in the weekday peak hour. A dwelling with up to two bedrooms in multi-unit housing is equivalent to 0.5 lots (Roads and Traffic Authority Guide to Traffic Generating Developments).

The contributions are therefore:

$$\begin{aligned}
 \text{Separate Allotments or dwelling unit} & \\
 \text{of three bedrooms or more in multi-housing} & \\
 \text{development} &= 1 \text{ lot} \\
 &= \$1,794.81
 \end{aligned}$$

Dwelling units up to and including two bedrooms = 0.5 lots
= 0.5 x \$1781.67
= \$897.40

\$ 1,795	per separate allotment or per large dwelling unit of three bedrooms or more in multi-housing development
\$ 897	per small dwelling unit of two bedrooms or less in multi housing development

Part D: References

“Brown Traffic Model”, 2001, prepared for Newcastle City Council

“Maryland-Minmi Corridor Integrated Local Area Plan”, 1996, prepared for the Newcastle City Council by BBC Consulting Planners.

“Newcastle Local Environmental Plan, 2003” prepared by Newcastle City Council

“Newcastle Development Contributions Plan 2005” prepared by Newcastle City Council

“Section 94 Contributions Study - Transport Facilities - Final Report”, 1995, prepared for Newcastle City Council by Christopher Hallam and Associates

Appendix A: Definitions

“**Applicant**” means the person, company or organisation submitting a development application;

“**BGH**” means the area of land described as Blue Gum Hills between Maryland and Minmi inclusive as indicated in **Figure 1**;

“**Consumer Price Index**” means the Consumer Price Index published by the Australian Bureau of Statistics;

“**Contribution**” means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in section 94 of the Environmental Planning & Assessment Act;

“**Contributions Plan**” means a contributions plan referred to in section 93 EA of the Environmental Planning & Assessment Act;

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

“**Developer**” means the person, company or organisation, whether the applicant or owner of the land to carry out the development;

“**Dwelling**” means a room or a number of rooms occupied or used, or so constructed or adapted as to be capable of being used, as a separate domicile.

“**EP&A Act**” means the Environmental Planning and Assessment Act, 1979;

“**EP&A Regulations**” means the Environmental Planning and Assessment Regulation, 2000;

“**ILAP**” means the Maryland-Minmi Integrated Local Area Plan (undertaken by BBC Consulting Planners);

“**LEP**” means a local environmental plan made by the Minister under section 70 of the Environmental Planning & Assessment Act;

“**LGA**” means the local government area;

“**Lot**” means a legal parcel of land which has been created to via subdivision and registered with the Land Property Information service normally having a Lot Number and Deposited Plan.

“**Multi-unit housing**” means development which comprises, or would result in, the erection of more than one dwelling per allotment. This includes cluster housing, duplexes, dual occupancy, residential flat buildings, semi-detached houses and villa homes.

“**Public amenities or public services**” means any public amenities or public services, as referred to in section 94 of the Environmental Planning & Assessment Act, the need for which has increased or been created by development. The specific types of public amenities for which contributions may be required under this Contributions Plan are transport amenities;

“Settlement” means the payment of a monetary contribution, the undertaking of a work in kind or the exchange of documents for the dedication of land required as a result of new development;

“Transport facilities” means any land or works related to the transport of persons or goods by pedestrians, motor vehicles or non motorised vehicles, including ancillary facilities,

“Works in kind” has the same meaning as a “material public benefit” as referred to in section 94 (5) (b) of the Environmental Planning & Assessment Act and means the undertaking of any work associated with the provision of a public facility;

“Works Program” means the schedule of the specific transport facilities for which contributions may be required.