



Tamworth Regional Council

Arcadia Section 7.11 Development Contributions Plan 2018

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Executive Summary

Purpose and Objectives of the Plan

This Plan is the *Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018* and has been prepared to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation, enabling Council or an accredited certifier to levy development for the provision of [community infrastructure](#) required to meet the demands of that development.

In order to levy these contributions when granting consent to development, Council must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the community infrastructure for which the levy is being required.

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

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

Nature of future development

Between 2017 and 2036, there is forecast to be 1,700 additional private residential dwellings in the Arcadia Urban Release Area (URA) (the Arcadia Precinct) generating an additional population of 4,690 new residents over this 20-year period.

This future residential population will create a demand for new, enhanced or augmented community infrastructure and hence all new residential development is to be levied under this Plan.

Life of the Plan

The Plan caters for a planning period from 2017 to 2036 which is the period during which development of the Precinct is anticipated to occur.

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

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

Apportionment of costs

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

This Plan also accounts for the varying demands generated by different types of development. Where for instance, standalone dwelling houses generate greater demand for a particular facility than does multi-unit housing (due to varying occupancy rates for instance), it will be levied a greater proportion of the costs of that facility.

Apportionment rationales are detailed within the Plan and relate to, amongst other things, the level of traffic generation of different types of development.

Summary of contributions by facility type

Table E1 summarises the facilities for which contributions are sought under this Plan and the base contribution upon which levies are to be calculated as at the time that this Plan is publicly exhibited.

The rates will be indexed after public exhibition so that they accurately reflect the costs at the date of commencement of the Plan.

The rates will be indexed between the date of commencement of the Plan and the date payment (see Section 2.6).

Table E1: Summary of Contribution Rates by Facility Type		
Facility Category	Base Factor to Generate Contribution Rate	Contribution
Roads (Land)	per Peak Vehicle Trip (PVT)	\$502.26
Roads (Capital)	per Peak Vehicle Trip (PVT)	\$3,019.89
Open Space and Recreation (Land)	per person (residential)	\$481.85
Open Space and Recreation (Capital)	per person (residential)	\$1,226.13
Plan Preparation and Administration	per person (residential)	\$45.81

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

Summary of contributions by development type

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

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

Table E2: Summary of Contribution Rates by Development Type				
Development Type	Base (per)	Occupancy Rate ^A	PVTs	Contribution
Contribution for Land and Capital				
Dwelling House / Lot, Exhibition Home	dwelling	2.79	0.85	\$7,886.90
Residential Accommodation ^B with 1 bedroom / bedsit	dwelling	1.10	0.45	\$3,519.64
Residential Accommodation ^B with 2 bedrooms	dwelling	1.49	0.45	\$4,199.75
Residential Accommodation ^B with 3 or more bedrooms	dwelling	2.13	0.575	\$5,758.22
Contribution for Capital Only (i.e. excluding Land)				
Dwelling House / Lot, Exhibition Home	dwelling	2.79	0.85	\$6,115.61
Residential Accommodation ^B with 1 bedroom / bedsit	dwelling	1.10	0.45	\$2,762.07
Residential Accommodation ^B with 2 bedrooms	dwelling	1.49	0.45	\$3,255.32
Residential Accommodation ^B with 3 or more bedrooms	dwelling	2.13	0.575	\$4,443.78
Other Development	See Note C			
Notes:				
A. This is the forecast average occupancy rate of new dwellings in the Precinct between 2017 and 2036.				
B. Excluding dwelling houses/residential lots/exhibition homes.				
C. Other development not specified in this table (such as canal estate development , caravan parks , eco-tourist facilities , moveable dwellings and tourist and visitor accommodation) will be assessed in accordance with Section 1.5 of this Plan and the per person and per PVT rates specified in Table E1.				

Table E3 provides specific details of the constituent components of the contribution rate for single dwelling houses /new residential lots as at the time that this Plan is publicly exhibited. The rates will be indexed after public exhibition so that they accurately reflect the costs at the date of commencement of the Plan.

Table E3: Contribution Rate per Single Dwelling House / Lot

Facility Type	Contribution
Roads (Land)	\$426.92
Roads (Capital)	\$2,566.91
Open Space and Recreation Facilities (Land) ^A	\$1,344.37
Open Space and Recreation Facilities (Capital)	\$3,420.89
Plan Preparation and Administration	\$127.80
TOTAL	\$7,886.89

Note A: Dedication of Land for Open Space is expected in accordance with the *Arcadia Bylong Road Site Specific Development Controls* having the effect of a commensurate reduction in this component of the contribution amount. Refer to Sections 2.4 and 4.2.3 of this Plan and the *Arcadia Bylong Road Site Specific Development Controls* chapter of the *Tamworth Regional Development Control Plan 2010* available at Council's website www.tamworth.nsw.gov.au

Summary of works schedule

The works to be provided by funds generated by this Plan are summarised in the **Table E4**. The individual projects are listed in the schedule of works at **Appendix B**.

Table E4: Summary of Works Schedule

Description	Cost Attributable to New Development	Cost Attributable to Council/Others	Total Cost
Road Facilities	\$5,037,559	\$4,153,590	\$9,191,149
Open Space and Recreation Facilities	\$8,016,470	\$0	\$8,016,470
Plan Preparation and Administration	\$215,000	\$0	\$215,000
TOTAL	\$13,269,029	\$4,153,590	\$17,422,619

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1 Introduction

1.1 Name of this Plan

This Plan is the *Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2017* (the “Plan”).

1.2 Commencement of this Plan

This Plan has been prepared pursuant to the provisions of the [Environmental Planning and Assessment Act 1979](#) (the Act) and the [Environmental Planning and Assessment Regulation 2000](#) (the Regulation) and takes effect from the date on which public notice was published, pursuant to the Regulation.

1.3 Purpose and Objectives of this Plan

This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to levy contributions from development for the provision of [community infrastructure](#) that is required to meet the demands of that development.

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

In order to levy contributions under the Act, the Consent Authority must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the community infrastructure for which the levy is being required as detailed in the provisions of this Plan. Accordingly, the objectives of this Plan are to:

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

1.4 Land to which the Plan applies

This Plan applies to land within the Arcadia Urban Release Area (URA) (the Arcadia Precinct) as shown on the Map (see [Figure 1](#)).

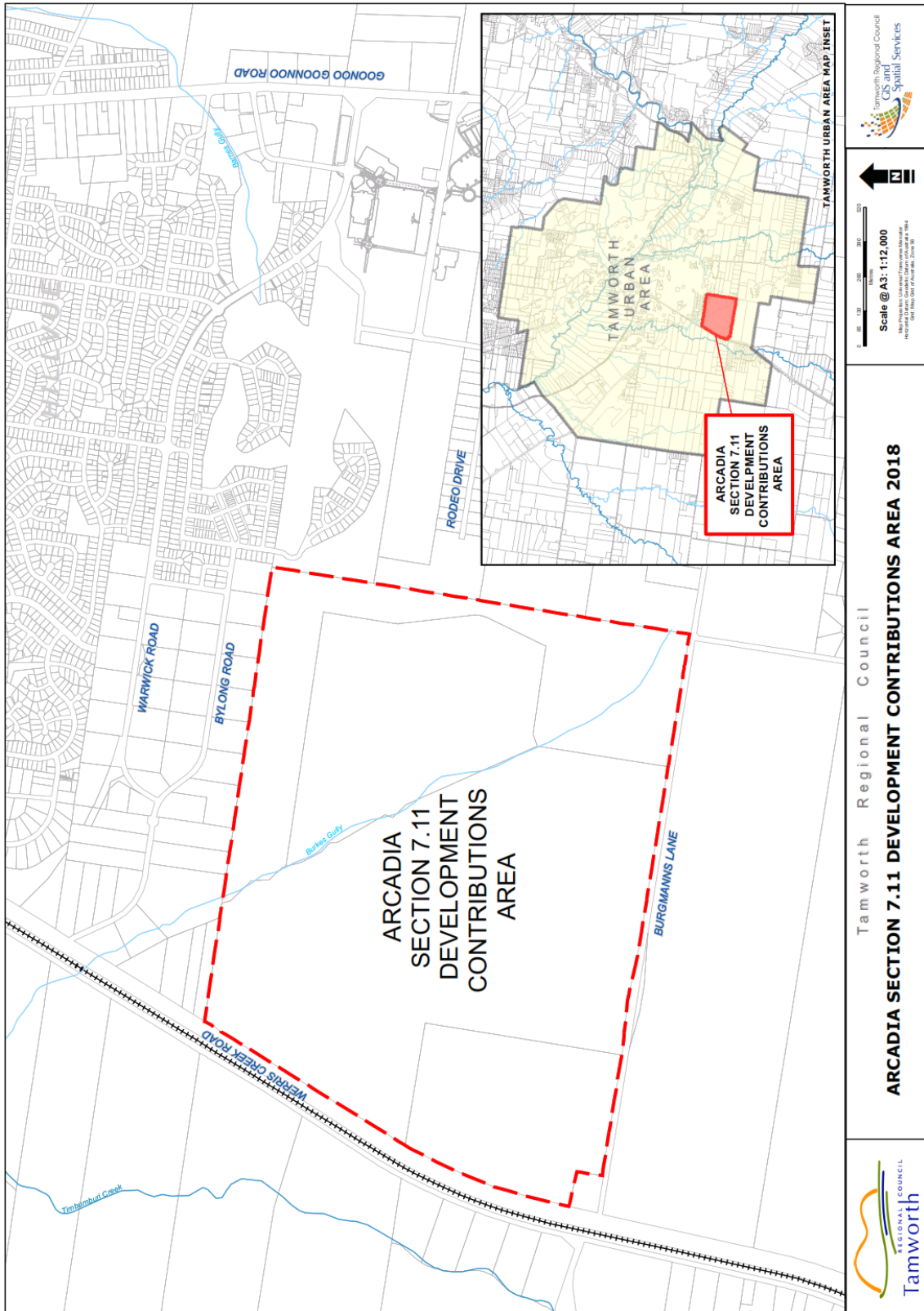


Figure 1: Map – where this Plan applies.

1.5 Development forms to which this Plan applies

This Plan applies to residential development which would result in the creation of additional private lots/dwellings or in the case of non-private residential development, additional dwellings, beds or people.

Where development is of a type not specifically stated in this Plan, but which would result in additional demands for community infrastructure, Council will determine an appropriate occupancy rate and/or traffic generation rate and apply the per person and/or per PVT rates as specified in [Table E1](#) of this Plan.

1.6 Operation Period of the Plan

The Plan is intended to cater for a planning period of 2017-2036 which is the period during which the development is expected to occur.

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

1.7 Structure of this Plan

This Plan is arranged into four sections:

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

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

Section 3 – [Expected development and demand for community infrastructure](#), outlines the forecast future development and basis for increased demand for facilities and services.

Section 4 – [Community infrastructure and contributions](#), provides details of each category of community infrastructure in the Plan, including details of existing provision, nexus, what will be provided and when, apportionment and how contributions have been calculated.

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

1.8 Glossary

The meanings of key words and terms used in this Plan are contained in the Glossary at [Appendix A](#).

1.9 Relationship with other plans, reports and policies

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

1.10 Savings and transitional arrangements

There are no savings or transitional provisions under this Plan. That is, if a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application shall be determined in accordance with the provisions of this Plan.

2 Administration and operation of this Plan

2.1 Scope of this Plan

Between 2017 and 2036, there is expected to be an increase in private residential accommodation in the Arcadia Precinct of 1,700 dwellings accommodating 4,690 additional persons (see Section 3). This future development will create a demand for new, enhanced or augmented community infrastructure.

This Plan has been prepared in response to this anticipated growth, to ensure that Council can meet the demands from future development for community infrastructure.

This Plan sets out the range of community infrastructure considered necessary to cater for this demand and how the cost of infrastructure will be imposed on development proposals.

2.2 Types of community infrastructure addressed by this Plan

2.2.1 Community infrastructure

Under this Plan, Council will require development contributions for the following [‘community infrastructure’](#):

- Public roads, including:
 - Road, bicycle and footpath infrastructure; and
 - Traffic management facilities;
- Local open space and recreation facilities including:
 - New and embellished public open space and associated landscaping;
 - New and embellished recreation facilities including children’s play equipment;
- District infrastructure of a kind referred to in the above bullet points where there is a direct connection with the development to which the contribution relates;
- Preparation of this Plan; and
- Administration and management activities associated with this Plan.

2.3 How will contributions be imposed?

In accordance with the Act, development contributions under this Plan will be imposed as a condition of development consent (see guideline pro-forma condition at [Appendix D](#)) or as a condition on a Complying Development Certificate (see guideline pro-forma condition at [Appendix E](#)).

2.4 Methods of payment

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

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

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

2.4.1 Monetary contributions

Payment of contributions can be made by cash, money order, bank cheque, credit card or any other means determined acceptable by Council from time to time.

2.4.2 Dedication of land

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

- The process for dedication of land is to occur in conjunction with the payment of monetary contributions applicable to any development consent granted for the land;
- The dedication of land is to be 'free of cost' – meaning that all costs associated with the dedication of the land and its transfer to Council's ownership (including but not limited to survey, legal and administration costs) are to borne by the applicant/developer;
- At the time of transfer, the land is to be in a condition which is suitable for its identified public purpose and is to be cleared of all rubbish and debris and have a separate title.

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

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

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

- (a) an assessment of the value of the material public benefit proposed, which 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;
- (b) the value of the material public benefit proposed is at least equal to the value of the contribution that would otherwise be required under this Plan;
- (c) an assessment that the design specification of the proposed material public benefit is equivalent to that intended by the Plan, which must be provided by the applicant at the time of the request and must be independently certified by a person who can demonstrate qualifications relevant to the design of the facility;
- (d) the extent to which the material public benefit satisfies the purpose for which the contribution was sought;
- (e) the material public benefit being facilities which are already included in the Plan;
- (f) the extent to which the material public benefit satisfies a community need or may reduce the demand for levied items;
- (g) the impending need to construct the material public benefit for which the contributions are to be offset;
- (h) the provision of the material public benefit will not prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's Plan;
- (i) the provision of the material public benefit must not result in piecemeal delivery of infrastructure or result in the need to reconstruct the works due to likely future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct); and
- (j) Council will require the applicant to enter into a written agreement for the provision of the works. It is Council's preference that such an agreement should take the form of a Planning Agreement (see Section 2.4.4).

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

A work-in-kind relates to the undertaking of a specific or equivalent work specified in the Plan, and is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria.

However, Council may not accept an offset to the cash otherwise required to be paid which exceeds the quantum of cash payable under the facility category that relates to the work-in-kind. For example, if a condition of development consent requires a certain cash payment towards roads, the provision of a work-in-kind for road works proposed by the Plan will meet only the cash payment required towards roads by that consent, even if the cost of the works exceeds that amount.

2.4.4 Planning agreements

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

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

Council will publicly notify the draft planning agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the draft planning agreement as part of its assessment of the relevant application.

If Council agrees to enter into the planning agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

2.5 Timing of payments

A contribution must be paid to Council at the time specified in the condition of development consent that imposes the contribution. If no such time is specified, the contribution must be paid:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – prior to the issue of the first Construction Certificate; or
- In the case of development that involves both subdivision and building work – prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing; or
 - where no works are proposed - prior to occupation or issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first.

It is the responsibility of the accredited certifier to ensure that a condition is imposed on a complying development certificate in accordance with this Plan and that any monetary contributions have been paid to Council prior to authorising works to commence.

2.5.1 Deferred or periodic payments

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

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (b) the decision to allow deferred payment will be at the sole discretion of Council;
- (c) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (d) the works to which the request applies does not relate to public safety or health;
- (e) the amount of the contribution or outstanding balance is not less than \$5,000;
- (f) where the applicant intends to make a contribution by way of a planning agreement, material public benefit or work-in-kind in lieu of a cash contribution or by land dedication and Council and the applicant have a legally binding agreement for the provision of the works or land dedication;
- (g) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (h) the maximum period for payment by instalments is five years from the standard payment date;
- (i) deferred payments and payments by instalments are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

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

- The Bank Guarantee(s) must be in Australian Dollars from a major Australian Trading Bank and in the name of Tamworth Regional Council;
- The Bank Guarantee(s) must have no end date, be unconditional and irrevocable, and be in favour of Tamworth Regional Council;
- The sum of the Bank Guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to make provision for any anticipated indexation during the life of the Bank Guarantee until the estimated date of release;
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;

- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution, indexation and other charges are paid.

2.5.2 Construction certificates and the obligation of accredited certifiers

In accordance with the Act and the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to this requirement are where a material public benefit, dedication of land, deferred payment or payment by instalments 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.

2.5.3 Complying development and the obligation of accredited certifiers

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

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates (see [Appendix E](#)) and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan (including current indexed rates), to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council current consent condition requirements.

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

2.6 Indexation of contributions

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

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

Where:

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

\$C_{PC} is the amount of the contribution for works schedule items at the date of the Plan Commencement.

CPI_{PY} is the Consumer Price Index (Sydney – All Groups) (CPI) as published by the Australian Bureau of Statistics (ABS) for the financial year at the date of Payment.

CPI_{PC} is the CPI (Sydney – All Groups) as published by the ABS for the financial year at the date of the Plan Commencement.

A development consent or complying development certificate will show the contribution payable at the date the consent/certificate is issued. Contributions are subject to indexation

from the date the consent/certificate is issued to the date of payment in accordance with the above formula.

Contribution rates under this Plan and the estimated costs upon which they are based will also be indexed by Council on a regular basis consistent with the above methodology. The adjustment of contribution rates and estimated costs will occur by way of an amendment without the need to prepare a new contributions plan, in accordance with the Regulation. The current contributions rates are available from Council Administration Offices or Council's website.

2.7 Exemptions

Council will not provide exemption to development contributions made under this Plan other than exemptions or discounts afforded under direction of the [Minister for Planning and Infrastructure](#). At the time of commencement, these Ministerial exemptions and discounts included:

- development undertaken by a '[social housing provider](#)' for the purposes of '[seniors housing](#)' as defined in [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#);
- development within a greenfield urban release area specified by the Minister for the purpose of one or more dwellings or in the case of subdivision, the creation of one or more residential lots, is limited to \$30,000 for each dwelling or lot authorised by the development consent; and
- development within an established urban area for the purpose of one or more dwellings or in the case of subdivision, the creation of one or more residential lots, is limited to \$20,000 for each dwelling or lot authorised by the development consent.

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

2.8 Allowances for existing development

All forecasts of future additional development within this Plan have been calculated allowing for existing development within the Precinct at the time of preparing the Plan (i.e. as at 1 July 2017).

Contributions required under this Plan will be levied according to the estimated net increase in demand. An amount equivalent to the contribution attributable to any existing lawful development on the site of a proposed new development, at the time of undertaking the demand assessment underpinning this Plan, will be allowed for in the calculation of contributions.

Accordingly, if an applicant wishes to obtain an allowance against contributions payable based on pre-existing development, information must be provided with the development application which demonstrates the lawful existence of the development on the subject site as at 1 July 2017.

Council will only consider an allowance for the existing development to the extent of the demand for specific community facilities and services arising from that development. For instance, where a residential development is proposed which replaces an employment generating land use, there may be a reduced peak traffic generation relative to the site's prior use. In this case, no levy would be applicable toward roads. Council will not however, accept a state of credit as such a reduction in demand for this type of facility does not offset the demand for other facilities and services.

For instance, the same development may result in an increase in demand for other services such as public open space, which are distinct from traffic demands. Accordingly, the levies under this Plan for these other facilities and services would continue to apply.

2.9 Credits

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

A credit will be provided only against the same facility category for which the surplus contribution relates. For example, if the developer proposes to dedicate more public open space that would otherwise be required under the Plan, then a credit could be accrued against open space contributions requirements of future development.

Consequently, if a developer dedicates more public open space than would otherwise be required under the Plan, the value of the additional open space cannot be used to offset the cash contribution otherwise payable under a different contribution category, such as roads. The objective is to ensure that Council maintains an adequate flow of contributions across the range of facilities to be funded under this Plan to provide for the orderly and staged delivery of all categories of facilities.

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

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

If a developer seeks to off-set a credit against the cash payable under a different facility category or to be reimbursed in cash, then this would need to be negotiated with Council as part of a planning agreement or a works-in-kind/material public benefit agreement in accordance with the provisions of this Plan.

2.10 Monitoring and review of the Plan

It is intended that this Plan be monitored and reviewed on a regular basis as it contains forecasts of future development including likely future population and about the likely demands and costs of providing community infrastructure for that population.

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

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

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

2.11 Accounting and management of funds

2.11.1 Accounting standards and contributions register

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

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

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

Funds levied and received under previous plans prior to 1 July 2017 will be used to deliver community infrastructure of the same facility category identified under this Plan as 'Cost Attributable to Council' as these funds were levied to meet the demands of that prior development.

Funds levied and received under previous plans from 1 July 2017 will be used toward the delivery of community infrastructure of the same facility category identified under this Plan as 'Cost Attributable to New Development'.

2.11.3 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for the purpose for which they were received.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used of the purpose for which the original contribution was made.

2.11.4 Pooling of contributions

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

2.11.5 Other funding sources

All works proposed in this Plan represent infrastructure to be funded pursuant to the development contributions provisions of the Act.

There were no grants or other external funding sources secured for the works proposed in this Plan, at the time of its adoption. Should such funding become available in the future, the works schedule in this Plan will be reviewed and the contribution rates may be adjusted.

2.11.6 Goods and services tax

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

In addition, at the date of preparing this Plan, Council's advice was that non-monetary contributions by way of dedication of land, works-in-kind or material public benefit in lieu of contributions that would be exempt under Section 81-5 of the GST Act, do not constitute a taxable supply. Therefore, there are no GST implications for non-monetary contributions.

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

3 Expected development and demand for community infrastructure

3.1 Overview

The Arcadia Precinct comprises a land area of approximately 310 hectares and was rezoned in 2017 from rural and large lot residential land zonings to permit a range of low density residential, large lot residential and a small quantum of mixed commercial/residential development.

Future residential development is expected to be primarily single dwellings although a small quantum of medium density residential accommodation is also expected in the business zoned land.

3.2 Existing Population Characteristics

The Precinct comprises 4 allotments and accordingly, the total theoretical existing resident population has been estimated at 10 persons as at 1 July 2017 using the ABS 2016 Census occupancy rate of 2.5 persons per existing dwelling/lot. This population is deemed to be 'existing' for the purposes of this Plan as it is not able to be levied under this Plan and the demand for community infrastructure for this population has been met by way of existing facilities and/or will be met by the contributions levied under previous contributions plans.

3.3 Forecast Development and Population

Between 2017 and 2036 there is expected to be an increase in private residential accommodation in the Arcadia Precinct of 1,700 dwellings accommodating 4,690 additional persons. This includes an estimate of 10 one-bedroom apartments, 20 two-bedroom apartments and 10 three-bedroom apartments.

An occupancy rate of 2.79 persons per dwelling has been used for single dwelling houses as this is the occupancy of similar URAs in the LGA in recent years. The occupancy rates for multi-dwelling housing are 1.1 persons per one-bedroom dwelling, 1.49 persons per two-bedroom dwelling and 2.13 persons per three or more bedroom dwelling.

The demographic profile of the future population in the Arcadia Precinct is expected to be similar to the rest of the LGA.

3.4 Demand for public facilities and services

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

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

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

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

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

4 Community infrastructure and contributions

4.1 Public roads

4.1.1 Introduction

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

4.1.2 Existing provision

The road transport network surrounding the Arcadia Precinct is characterised by existing perimeter roads comprising Burgmanns Lane and Werris Creek Road. Future development in the Precinct will utilise these roads and also primarily access the wider road network via:

- Bylong Road;
- Warwick Road;
- Darien Avenue;
- Greg Norman Drive and the New England Highway.

There are no existing internal roads within the Precinct and all future local internal streets will be provided by developers as part of future subdivision of the land.

As development within the Precinct occurs, new intersections with existing roads will be required and several existing intersections and stretches of road will require upgrades and localised widening to cater for the increased demand from development within the Precinct.

4.1.3 Nexus to development

Future development will be responsible for 1,700 private dwellings. Based on the peak hour vehicle trip (PVTs) rates specified in the *Guide to Traffic Generating Development* (RTA, 2002), this additional development is likely to generate 1,430 PVTs in the road network (i.e. Net additional traffic).

This additional traffic demand will require new intersections and reduce the flow capacity of existing roads and intersections which will result in the Level of Service (LoS) of individual roads and intersections falling below acceptable standards.

4.1.4 Strategy – proposed infrastructure

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

- New intersections and upgrades to existing intersections to ensure that increased traffic does not adversely impact on the efficiency and safety of these intersections;
- Localised road realignments, widening and kerb and gutter to cater for the additional traffic generated by future development and maintain acceptable levels of efficiency in the network; and
- Pedestrian and bicycle improvements to ensure that increased vehicular traffic does not adversely impact on the walking and cycling environment and to provide additional capacity for the increase in pedestrian and bicycle traffic.

The location of the proposed facilities is identified on the maps at [Appendix C](#) to this Plan.

4.1.5 Apportionment

Two types of apportionment are relevant to road facilities – apportionment between different types of development (e.g. dwelling houses compared to multi-unit dwellings) and apportionment between existing and future development.

With regard to different types of development, a vehicle trip from one form of residential development results in the same decrease in road or intersection capacity as a vehicle trip from any other form of residential development and accordingly, there is no apportionment between different forms of residential development other than to take into consideration the differing rate of traffic generation from the development type.

Accordingly, each development will be levied for road infrastructure based on its gross traffic generation, calculated using the PVT rates specified in the RTA Guide. No allowance for traffic generation of existing development is to be made as part of this base calculation. Allowances for existing development will be considered in accordance with Section 2.8 of this Plan.

Apportionment relating to existing, compared to future development for each works item is set out in the Works Schedule at [Appendix B](#).

4.1.6 Calculation of contribution rate

The formula for the calculation of the contribution rate for road works is as follows:

$$\begin{aligned}
 \text{Contribution rate per PVT} &= \frac{\text{Total Cost of Facilities}}{\text{Total PVTs}} \\
 &= \frac{\$718,359 \text{ (Land)} + \$4,319,200 \text{ (Capital)}}{1,430} \\
 &= \$502.26 \text{ per PVT (Land)} + \$3,019.89 \text{ per PVT (Capital)} \\
 &= \$3,522.15 \text{ per PVT}
 \end{aligned}$$

4.2 Open space and recreation facilities

The projected development will generate additional demand for local open space and recreation facilities and this demand will require additional land for open space and embellishment thereof.

4.2.1 Existing Facilities

Open Space and Recreation Facilities

There is approximately 201 hectares of public open space used for local parks, district parks, recreation parks and sports parks (not including regional parks) within the TRC LGA (ROSS, 2008). This equates to about 30m² per person for the 2016 population of 59,660 persons (i.e. 3 hectares per 1,000 persons) (ABS, 2016).

4.2.2 Nexus to development

Based on the current standard of public open space provision in the LGA of 30m² per person, the forecast additional population in private dwellings in Arcadia Precinct to 2036 of 4,690 persons would generate a demand for an additional 14 hectares of additional open space land if the current quantitative level of service were to be maintained.

4.2.3 Strategy – proposed infrastructure

The strategy for the provision of open space and recreation facilities for the forecast additional population comprises three new parks with playgrounds, picnic areas and other amenities constituting approximately 8 hectares of new public open space (17m² per person or 47.55m² per dwelling/lot).

The open space and recreation facilities and the estimated timing of their delivery are set out in the Works Schedule at [Appendix B](#) to this Plan and their location is identified on the maps at [Appendix C](#).

4.2.4 Apportionment

All open space and recreation facilities proposed under this Plan are required to cater for the future new development and accordingly, the full cost of the acquisition and embellishment of these items will be borne by future development.

4.2.5 Works and contributions summary

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

$$\begin{aligned}
 \text{Contribution rate} &= \frac{\text{Total Cost of Facilities}}{\text{Total Additional Persons}} \\
 \text{per Person} &= \frac{\$2,261,600 \text{ (Land)} + \$5,754,870 \text{ (Capital)}}{4,690} \\
 &= \$481.85 \text{ per person (Land)} + \$1,226.13 \text{ per person (Capital)} \\
 &= \$1,707.98 \text{ per person}
 \end{aligned}$$

4.3 Plan Preparation and Studies

4.3.1 Introduction

In accordance with the Act, Council is authorised to recoup the reasonable costs of preparing this Plan and the cost, or apportioned cost, of any studies specifically prepared to inform the Plan. In addition, any costs associated with the ongoing management and administration of the Plan can be levied for.

4.3.2 Nexus to Development

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

4.3.3 Strategy

The proposed costs associated with this category of contributions comprises:

- The consultant costs associated with preparing the Plan; and
- An allowance for the ongoing management of the Plan.

4.3.4 Apportionment

As this Plan has been prepared solely to cater for the demands of future development, the costs associated with the Plan's preparation and ongoing administration will be borne fully by future development.

4.3.5 Works and contributions summary

Table 1 summarises the costs of preparing this Plan and the studies which were required for this purpose and for which a contribution is required under this Plan:

Table 1: Plan Preparation and Administration			
Reference/Code	Description	Cost to New Development	Timing
PA-001	Preparation of Contributions Plan	\$15,000	2017
PA-002	Plan Administration	\$200,000	2017-2036
Total		\$215,000	N/A

4.3.6 Calculation of Contribution Rate

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

$$\begin{aligned}
 \text{Contribution rate per Person} &= \frac{\text{Total Plan Preparation and Administration Cost}}{\text{Total Additional Persons}} \\
 &= \frac{\$215,000}{4,690} \\
 &= \$45.81 \text{ per person}
 \end{aligned}$$

Appendix A - Glossary

Terms used in this Plan have the following meanings:

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

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

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

“**agriculture**” means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*

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

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

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

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

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

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

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

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

“boarding house”¹ means a building that:

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

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

“bulky goods premises” means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods;

“business premises” means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital;

“canal estate development” means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

¹ NB: Clause 30(1)(c) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* limits the occupancy of each boarding house room to no more than 2 adult lodgers.

“**caravan park**” means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

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

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

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

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

“**Council**” means the Tamworth Regional Council.

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

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

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

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

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

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

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

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

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

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

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

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

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

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

- (a) a school, or

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

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

“extractive industry” means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

“forestry” has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

“freight transport facility” means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

“GFA” means the same as gross floor area.

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

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

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and

- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“industry” means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining;

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

“LGA” means Local Government Area.

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

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

“mining” means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

“moveable dwelling” means:

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

“office premises” means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used;

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

“public infrastructure” means:

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

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

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

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

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

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

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

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

“retail premises” means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,

- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

“rural industry” means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

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

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

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

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

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

but does not include a hospital;

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

“shop” means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises;

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

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

“tourist and visitor accommodation” means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

“transport depot” means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

“truck depot” means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

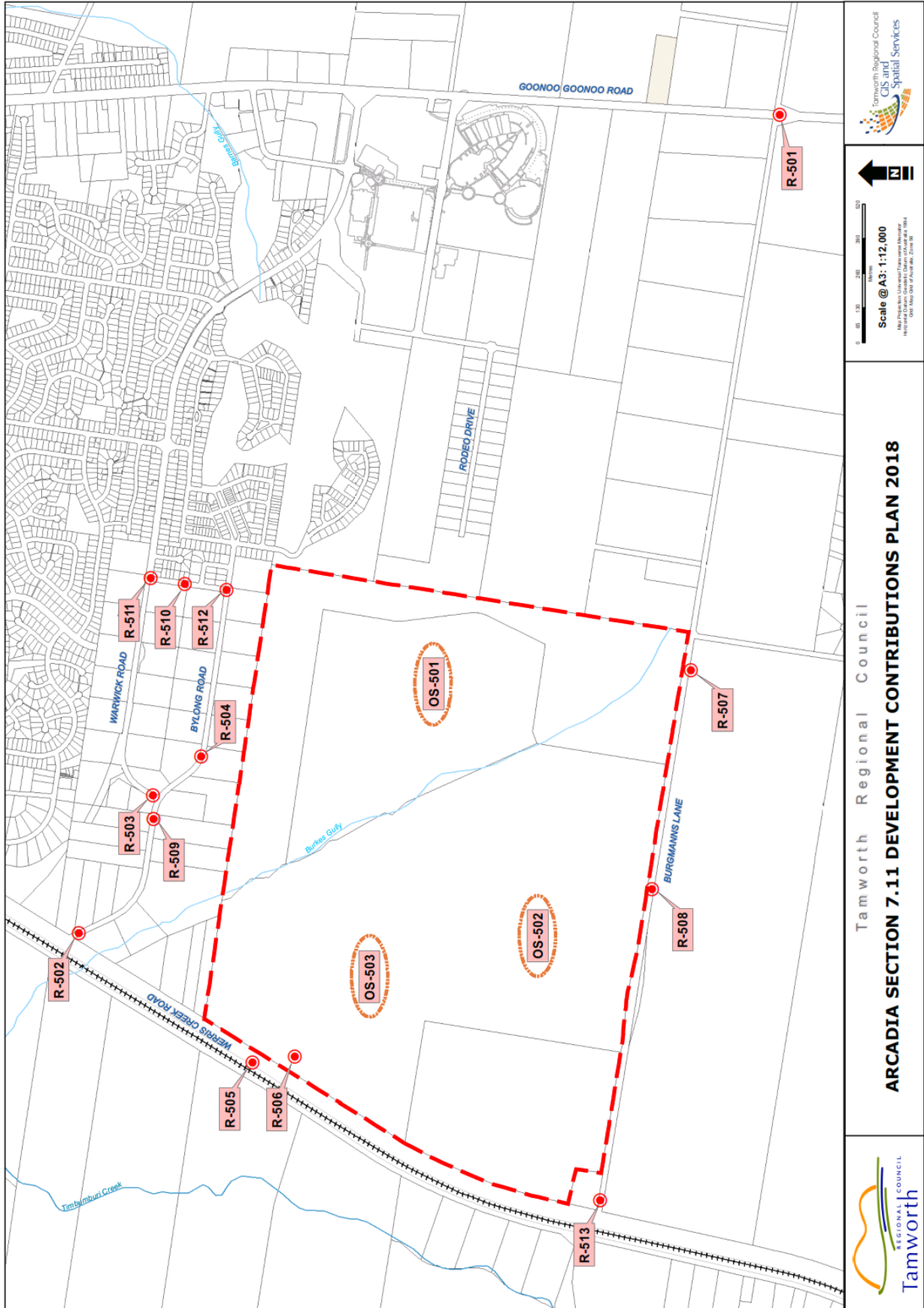
“waste or resource management facility” means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)-(c).

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

Appendix B - Works Schedule

TABLE B1: WORKS SCHEDULE									
Facility Ref. #	Description	Land Acquisition Area (m ²)	Land Acquisition Cost	Capital Cost	Total Facility Cost	Apportioned to New Development	Cost attributable to New Development	Cost attributable to Council/ Others	Priority / Timing / Threshold
R-501	Intersection Upgrade - Burgmanns Lane & New England Highway	0	\$0	\$3,640,000	\$3,640,000	13%	\$460,843	\$3,179,157	2023
R-502	Intersection Upgrade - Bylong Road/Werris Creek Road (Widening & Auxiliary Lanes)	17,400	\$491,958	\$896,000	\$1,387,958	84%	\$1,171,594	\$216,364	2023
R-503	Intersection Upgrade - Bylong Road & Warwick Road	0	\$0	\$313,600	\$313,600	28%	\$87,428	\$226,172	2020
R-504	Road Upgrade - Bylong Road (from Darien Avenue to Werris Creek/Duri Road)	10,720	\$303,091	\$1,071,000	\$1,374,091	100%	\$1,374,091	\$0	2023
R-505	Road Upgrade - Werris Creek Road	0	\$0	\$441,000	\$441,000	100%	\$441,000	\$0	2028
R-506	Intersection Construction - Werris Creek Road & Site Access (West)	0	\$0	\$301,000	\$301,000	100%	\$301,000	\$0	2025-2028
R-507	Intersection Construction - Burgmanns Lane & Site Access 1 (East)	0	\$0	\$299,600	\$299,600	100%	\$299,600	\$0	2025-2028
R-508	Intersection Construction - Burgmanns Lane & Site Access 2 (West)	0	\$0	\$299,600	\$299,600	100%	\$299,600	\$0	2028
R-509	Cycle Way Upgrade -From Bylong Road into Arcadia	0	\$0	\$441,000	\$441,000	100%	\$441,000	\$0	2028
R-510	Road Upgrade - Darien Avenue	0	\$0	\$45,000	\$45,000	100%	\$45,000	\$0	2018-2019
R-511	Intersection Upgrade - Darien Avenue & Warwick Road	0	\$0	\$6,500	\$6,500	100%	\$6,500	\$0	2018-2019
R-512	Intersection Upgrade - Bylong Road & Darien Avenue	0	\$0	\$32,800	\$32,800	100%	\$32,800	\$0	2018-2019
R-513	Intersection Upgrade - Burgmanns Lane & Werris Creek Road	0	\$0	\$609,000	\$609,000	13%	\$77,103	\$531,897	2028
Sub-Total		28,120	\$795,049	\$8,396,100	\$9,191,149	N/A	\$5,037,559	\$4,153,590	N/A
OS-001	New Estate at Arcadia, New park development and facilities (East)	30,000	\$848,100	\$3,033,575	\$3,881,675	100%	\$3,881,675	\$0	2022
OS-002	New Estate at Arcadia, New park development and facilities (West)	25,000	\$706,750	\$840,831	\$1,547,581	100%	\$1,547,581	\$0	2028
OS-003	New Estate at Arcadia, New park development and facilities (Neighbourhood Centre)	25,000	\$706,750	\$1,880,465	\$2,587,215	100%	\$2,587,215	\$0	2026
Sub-Total		80,000	\$2,261,600	\$5,754,870	\$8,016,470	N/A	\$8,016,470	\$0	N/A
PA-001	Preparation of Contributions Plan	0	\$0	\$15,000	\$15,000	100%	\$15,000	\$0	2012
PA-002	Plan Administration	0	\$0	\$200,000	\$200,000	100%	\$200,000	\$0	2012-2021
Sub-Total		0	\$0	\$215,000	\$215,000	N/A	\$215,000	\$0	N/A
TOTAL		108,120	\$3,056,649	\$14,365,970	\$17,422,619	N/A	\$13,269,029	\$4,153,590	N/A



Appendix D – Pro forma Condition of Development Consent

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$
Open Space and Recreation	\$
Plan Preparation and Administration	\$
TOTAL	\$

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

$$\begin{aligned}
 \$C_{PY} &= \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}
 \end{aligned}$$

Where:

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

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

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

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

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

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

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

Appendix E – Pro forma Complying Development Certificate Condition

- (a) In accordance with Section 4.28(6) of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$
Open Space and Recreation	\$
Plan Preparation and Administration	\$
TOTAL	\$

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

$$\begin{aligned}
 \$C_{PY} &= \frac{\$ C_{CDC} \times CPI_{PY}}{CPI_{CDC}}
 \end{aligned}$$

Where:

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

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

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

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

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

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

Council’s Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council’s Administration Centre during normal business hours.

Appendix F - References

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

- Australian Bureau of Statistics (2011). Census Data
- Australian Bureau of Statistics (2016). Census Data
- Department of Planning (2005). Development Contributions Practice Notes
- Department of Planning (2009). Draft Local Development Contributions Guidelines
- Department of Urban Affairs & Planning (1997). The Section 94 Contributions Manual
- Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000*
- IPART (2014). Local Infrastructure Benchmark Costs
- NSW Roads and Traffic Authority (October 2002 – Version 2.2). *Guide to Traffic Generating Development*
- Arcadia Bylong Road Site Specific Development Controls (2017)*
- Tamworth Regional Development Control Plan 2010*
- Tamworth Regional Local Environmental Plan 2010*
- Tamworth Regional Council Section 94 (Direct) Contributions Plan 2013*
- Tamworth Regional Council Section 94A (Indirect) Contributions Plan 2013*