



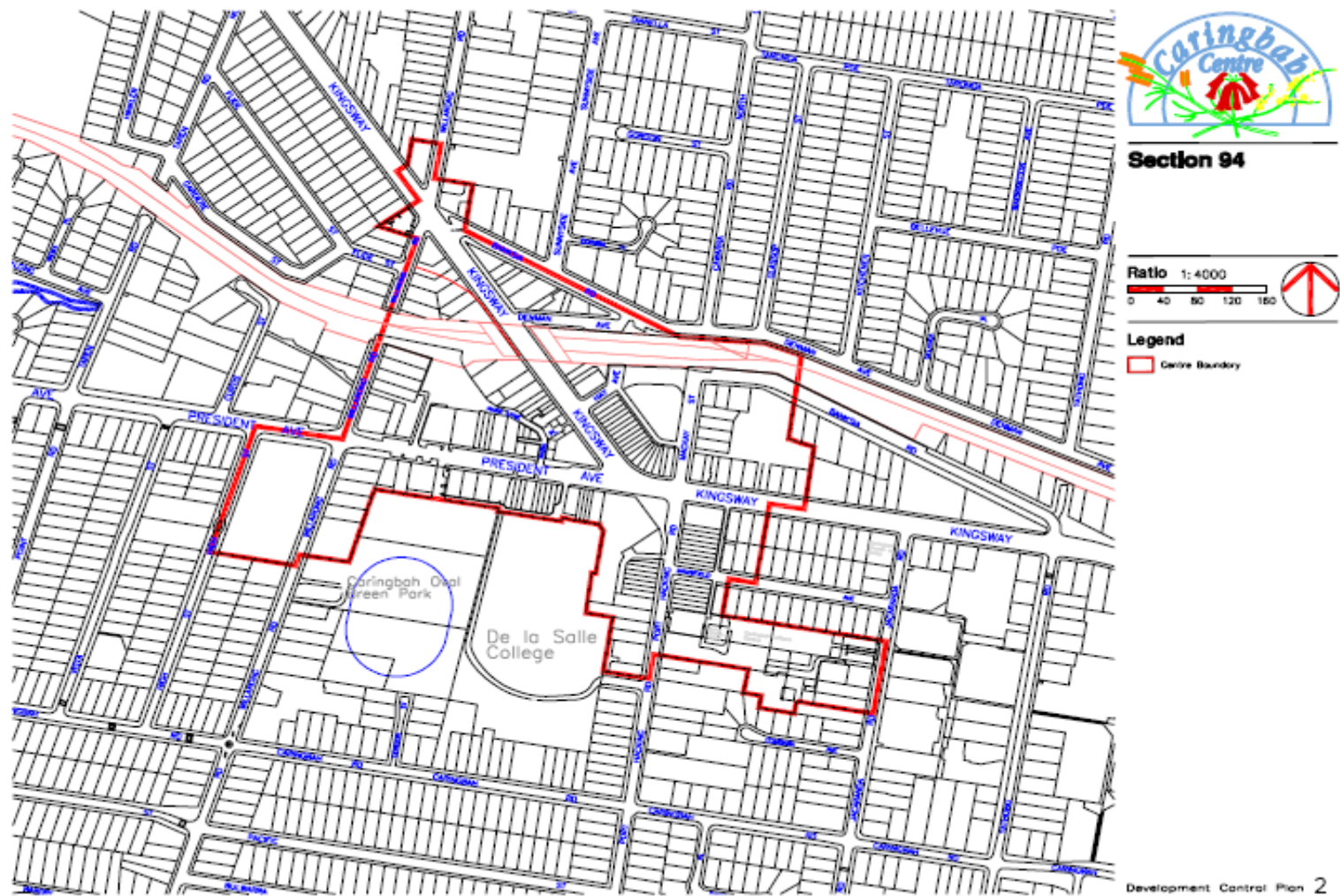
Contribution Plan

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Caringbah Centre Contributions Plan – Amendment 1



Centre Improvements and Contributions Plan

This Contributions Plan has been prepared in accordance with the Provisions of Section 94 of the Environmental Planning and Assessment Act and Part 4A of the Environmental Planning and Assessment Regulations.

The purpose of this part of the Plan is to:

- i) ensure that the cost of new infrastructure and facilities provided in the Caringbah Centre is borne equitably between the existing community, new development to the Centre and relevant state authorities.
- ii) enable Council to levy a monetary contribution towards or require physical construction and dedication of infrastructure and facilities as a condition of development consent within the Caringbah Centre;
- iii) permit Council to recoup costs from any new development that may relate to infrastructure and facilities already provided within the Caringbah Centre;
- iv) provide details of works to be implemented, nexus between Development and facilities, anticipated costs, contribution rates and implementation program.

This Plan applies to the land within the Caringbah Centre shown edged in heavy black on the accompanying map.

Expenditure Plans

This Plan also contains an outline schedule of expenditure for

- i) the existing funds held for the provision of car parking in the Caringbah Centre; and

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Background Discussion

This part of the Plan outlines the relationship between the anticipated type of development in the Centre and the demand for additional amenities, facilities and services.

Generally the existing quality of infrastructure and facilities in the Caringbah Centre is poor and not of a quality to sustain new development. The principle thrust of this Plan is the need to raise the qualitative aspects of infrastructure and facility provision as a significantly higher level of amenity is necessary to support new development and maintain the viability of the Centre. New development is anticipated to be generally of a residential nature. To ensure a high quality residential environment it is proposed that new residential development contribute significantly to the provision of amenity improvements.

A total monetary contribution requirement from new development has been calculated based on assessment of benefit arising from the anticipated works. (refer to Nexus, Apportionment, Scope of Works and Costing).

The scope of works relates to general improvements throughout the Centre which will be implemented over the 6 year period of this Plan. These works are in addition to those which will be implemented in conjunction with new development relating to frontage works. A works schedule and implementation program is also outlined.

Contribution Rates

The contribution rate applicable to new development, both residential and commercial is based on a pro-rata application to estimated new floorspace on a rate per m² basis.

The total anticipated new floorspace within the Plan period is 63,000 m², representing 600 residential units and 3,000m² of commercial floorspace.

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Contribution Rate - Centre Improvements

Application s.94 Contribution for works within the Centre	Rate per m ² gross floor area
Frontage Works	Works in kind
Public Domain Improvements	\$19.40m ²
Pedestrian Links	\$0.60m ²
Pedestrian Facilities	\$2.25m ²
Traffic Works	\$2.80m ²
Drainage	\$0.20m ²
Total	\$25.25m²

Open Space

New residential development is to contribute towards the provision of open space within the Centre and adornment of existing open space in accordance with the Sutherland Shire Council Contribution Plan Shire-Wide Open Space and Recreation Facilities 2005. Existing funds are to be directed to the Works Schedule in that contribution plan.

Community Facilities

Refer to s.94 Contributions Plan for Community Facilities for the Established Ares of the Shire for applicable rates for new community buildings.

Frontage Works

New development is required to provide full frontage works to all frontages as detailed in the Urban design Standards for Public Domain Improvements of this plan and also including any further frontage or traffic works indicated in any detail plan prepared for the site.

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Infrastructure or Facility

Frontage Works

Public Domain Improvements
(footpaths, street tree planting, seating, lighting, public art/sculpture)

Traffic Works

Car Parking

Community Facilities

Pedestrian Links and Pedestrian Facilities

Drainage and Pollution Control

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Nexus

These works are directly required to provide vehicular and pedestrian access to and around the development site. The standard of work required is to the Urban Design Standard for Public Domain Improvements of the Plan.

These works are required to bring the whole Centre up to the standard needed to provide a quality environment for new development. These works do have peripheral benefit to the existing community and Centre users but are aimed at principally satisfying the needs and expectations of new residents and visitors to the area.

These are required to improve the amenity of the Centre for new residents and Centre patrons.

These works are required to ensure a high level of user comfort, efficiency and amenity of the existing public car parking areas for Centre patrons.

These facilities are used directly by the residents of the Centre and also meet the needs of the broader community.

These works provide a facility for use by Centre patrons and public transport users from the broader community. These works provide an amenity for Centre patrons and for Centre residents.

These works are required to ensure existing and new development does not contribute to the pollution of local waterways.

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Apportionment

These works are of principal benefit to the development and are to be provided to site frontages on redevelopment.

The new residents of the Centre receive a significant benefit by the gains in amenity in the Centre. Council has spent substantial funds on upgrading the pedestrian environment. Council has already spent other revenue on traffic calming along President Avenue and various works in the Caringbah Centre. Consequently, Council could reimburse itself from the Centre fund for works undertaken. It is recommended that these residual funds be considered as Council's contribution (apportionment) to the Public Domain improvements

Works have already been partly funded through other revenue. Existing funds are to be reallocated to pedestrian facilities.

Improvements to existing car parking areas will be funded by existing contributions held by Council.

A monetary contribution for a new multi purpose centre is to be levied under a separate contributions plan.

Works have already been partly funded through other revenue. Existing funds are to be reallocated to pedestrian facilities.

Works have already been partly funded through other revenue. Existing funds are to be reallocated to pedestrian facilities

Works Schedule and Program



Expenditure Plan - Open Space Contributions

(Open space expenditure is covered by the 2005 Open Space Contribution Plan. Existing funds have been redirected to that plan.)

Expenditure Plan – Existing Carparking Contributions

Council intends to expend currently held contribution funds for carparking areas. These improvements will provide more efficient/direct access to parking areas and a higher level of amenity and security for carpark users. In particular funds will be expended on the Coles carpark covered walkway link to the Kingsway.

Expenditure plan updated April 2006

Expenditure Plan – Public Domain

Balance \$ 131,380.67 (April 2006)

Further investigation is to be undertaken into any additional appropriate public domain works and the funds will be directed to the 2007/2008 Caringbah Shopping Centre Upgrade Program. Any residual funds to be addressed in the Caringbah DCP review.

Expenditure Plan - Pedestrian Links and Facilities

Balance \$ 101,539.67

Residual funds be considered as Council's contribution (apportionment) to the Public Domain improvements. Funds will be directed towards the 2007/2008 Caringbah Shopping Centre Upgrade Program. Any residual funds are to be addressed in the Caringbah DCP review.

Expenditure Plan – Traffic Works

Balance \$ 99,759.32

Residual funds are to be considered as Council's contribution (apportionment) to the Public Domain improvements. Funds will be directed towards the 2007/2008 Caringbah Shopping Centre Upgrade Program. Any residual funds are to be addressed in the Caringbah DCP review.

Expenditure Plan – Centre By Pass

Balance \$ 169,234.04

The existing funds will be directed towards the 2007/2008 Caringbah Shopping Centre Upgrade Program. Council has ceased levying for a Centre by-pass given the limited potential for such.

Expenditure Plan – Drainage

Balance \$ 7,125.15

The residual funds are to be considered as Council's contribution (apportionment) to the Public Domain improvements. The funds will be directed towards the 2007/2008 Caringbah Shopping Centre Upgrade Program. Any residual funds are to be addressed in the Caringbah DCP review.

Expenditure Plan – Public Transport

Balance \$ 35,628.15

Further investigations be undertaken for bike rack locations and these funds be used for their installation. Any residual funds are to be directed towards the 2007/2008 Caringbah Shopping Centre Upgrade Program. Council has ceased levying for public transport given the limited potential for a bus rail interchange.

Works Schedule and Program



Timing of a Contribution

Except where otherwise stated, the payment of Contributions under this Contributions Plan shall be made at the following times:

- development applications involving subdivision: at the release of the subdivision certificate / linen plan;
- development application involving building work: at the time of the issuing of the construction certificate
- development applications involving a change of use: at occupation certificate stage

Deferment or Periodic Payment

Council may allow deferred or periodic payment of monetary section 94 contributions subject to consideration of a section 96 modification of consent, specifying the payment method, made before the time for payment of the contribution.

In deciding whether to allow deferred or periodic payment of a monetary s94 contribution, the Council will take into consideration the following matters:

- the reasons provided by the applicant requesting a deferred or periodic payment,
- whether allowing the deferred or periodic payment is likely to prevent the public facility being provided to meet the demands of development in a timely manner,
- whether the applicant has provided the Council with adequate security in relation to the deferred or periodic payment,
- any other relevant circumstances of the case.

The decision to accept a deferred or periodic payment is at the sole discretion of Council. Prior to a periodic payment being accepted, discussions must be held with Council's section 94 planner/administrator.

If the Council determines to allow the application, the arrangements relating to the deferred or periodic payment will not take effect until the applicant has entered into a written agreement with the Council reflecting the terms of the Council's approval. If approved, a condition relating to the deferred or periodic payment will be placed on the subject amended development consent.

Applicants may apply to pay contributions through periodic payments or defer the payment for a set period by way of a bank guarantee as detailed below.

Set Time Period Deferment

A set time period deferment requires contributions to be paid within 12 months of the date of issue of the construction certificate or prior to issue of the occupation certificate, whichever comes first. A deferred payment will only be accepted by way of a bank guarantee from an Australian bank for the total or outstanding contribution amount plus interest. A Deed of Agreement entered into by the applicant and Council must be executed prior to the release of the Construction Certificate.

Bank Guarantee

The guarantee requires the bank to unconditionally pay the guaranteed sum to Council at the time stipulated in the agreement. All costs incurred in the establishment, operation, administration or discharge of the bank guarantee, are borne by the applicant. The bank's obligations are discharged when payment to the Council is made in accordance with the guarantee, or when Council notifies the bank in writing that the guarantee is no longer required, or if the related consent lapses.

The formula applied to all bank guarantees for section 94 contributions is as follows:

$$\text{Bank Guarantee Amount} = C(1+i)^n + A$$

C	section 94 contribution that is due
i	interest foregone by Council calculated at the current overdraft rate (%)
n	period of deferral in years
A	Council's current administration charge

Periodic Payment

Periodic Payment Process

A periodic payment deferment requires contributions to be paid within 12 months of the date of issue of the construction certificate or prior to issue of the occupation certificate, whichever comes first. A Deed of Agreement entered into by the applicant and Council must be executed prior to the release of the Construction Certificate and a payment schedule created and administered by Council.

$$\text{Periodic Payment Amount} = C(1+i)^n + A$$

C	section 94 contribution that is due
i	interest foregone by Council calculated at the current overdraft rate (%)
n	period of deferral in years
A	Council's current administration charge

Council may accept periodic payment by way of instalments when the development is staged and the instalment is paid before the works commence on any stage of the development at a pro-rata amount to the overall development.

Indexation

Deferred or periodic payment is subject to indexation which is charged on the 1st of July each year on the balance outstanding at the time.

Condition of Consent

If Council allows and application for deferred or periodic payment, an amended condition of consent will be placed on the Development Consent:

Payment shall be made in accordance with a Deed of Agreement, in accordance with Council requirements and the provisions of the Plan. The Deed of Agreement must be executed prior to the issue of a Construction Certificate. Full payment of outstanding contributions is required prior to the release of the Strata Plan or Occupation Certificate or within 12 months of the Deed of Agreement, whichever comes first. Note: Interest is payable at the current Council overdraft rate. This arrangement is subject to indexation which is charged on the 1st July each year on the balance outstanding at the time.

Works Schedule and Program



Indexing

This contribution rate is indexed by use of the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD) 3. These figures are produced by the Australian Bureau of Statistics in its publication "Australian National Accounts National Income and Expenditure" and are published on a quarterly basis. This report provides the information for the indexation on 1 July of every year. The IPD is considered to be a more appropriate index than the consumer price index because it takes into account increases in building costs. The IPD has been recommended for use by the Department of Infrastructure and Natural Resources (DIPNR) to index contributions. The formula to review this contribution rate is as follows:

$$\text{New Contribution Rate} = \text{Current Contribution Rate} \times \frac{\text{current IPD}}{\text{previous year's IPD}}$$

The same basic formula is also used to index outstanding contributions under this plan:

$$\text{New Contribution} = \text{Current Outstanding Contribution} \times \frac{\text{current IPD}}{\text{previous year's IPD}}$$

The IPD refers to the March figure of the "Gross fixed capital formation - Private - Dwellings - Total dwellings" in the "Expenditure on GDP, Implicit price deflators (a): Seasonally adjusted" table in the ABS "March Quarter Australian National Accounts - National Income, Expenditure and Product - 5206.0" publication.

Section 149 Certificates

This Contribution Plan shall be cited on all Certificates issued by Council in accordance with Section 149 (2) of the Principal Act, in relation to all land in the areas nominated in this Contributions Plan.