

CONTRIBUTIONS PLAN NO. 16A

DRAINAGE

KINCUMBER



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**CONTRIBUTIONS PLAN NO. 16A
DRAINAGE
KINCUMBER**

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1 INTRODUCTION

1.1 History of Contributions Plan Area

Most of the Kincumber Urban Release Area was rezoned to residential under Local Environmental Plan No. 26 on 4 September 1981. Council adopted a Development Control Plan (DCP) for this area on 9 September 1981. This DCP was in force until the adoption of DCP 16 on 28 December 1992.

The Contributions Plan came into effect on 28 December 1992.

Subsequent amendments came into effect on 4 November 1999, 19 February 2003 and 19 April 2006.

1.2 Name of Contributions Plan

This plan is called Contributions Plan No. 16A - Drainage - Kincumber and consists of this document and map marked Contributions Plan No 16A - Drainage - Kincumber.

1.3 Abbreviations within Contributions Plan

"DCP" means Development Control Plan No. 16 - Kincumber the document, prepared under the Environmental Planning and Assessment Act, 1979, as amended.

"DCP Map" means the maps marked Development Control Plan No. 16 - Kincumber, a copy of which may be obtained from Council.

"LEP" means the deemed Environmental Planning Instrument, the Gosford Planning Scheme Ordinance, as amended by subsequent Local Environmental Plans.

"EPA Act" means the Environmental Planning and Assessment Amendment Act, 1979, as amended.

"CP" means Contributions Plan No. 16A - Drainage - Kincumber the document, prepared under the EPA Act, as amended.

"CP Map" means the map marked Contributions Plan No. 16A - Drainage - Kincumber, a copy of which may be obtained from Council.

1.4 Land to which Contributions Plan applies

The CP applies to land to which Gosford Planning Scheme Ordinance (as subsequently amended) applies, as outlined by a bold black line on the adopted CP Map.

1.5 Relationship to other Plans/Instruments

The CP is made under, and generally conforms to the provisions of the deemed Environmental Planning Instrument, the Gosford Planning Scheme Ordinance (as amended), which contains the legal planning controls for the development of the area to which the CP applies.

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The CP is to be read in conjunction with the following documents:

- Development Control Plan No. 16 - Kincumber
- Contributions Plan No. 16B - Roadworks and Traffic Management - Kincumber
- Contributions Plan No. 16C - Open Space - Kincumber

This Plan must also be read in conjunction with any other DCP or CP that may apply to the area affected by this plan.

1.6 Purpose of Contributions Plan

The purpose of the CP is to enable the levying of developer contributions for the provision and upgrading of public services and amenities, which will be required as a result of the increased demand generated by development in the CP area.

1.7 Operation of Contributions Plan

This CP has been prepared in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation, 2000.

This CP will come into force on the date of public notification pursuant to Clause 31 of the Environmental Planning and Assessment Regulation, 2000, being 18 April 2012.

1.8 Application of Contributions Plan

When a development application is lodged which relates to land to which this CP applies, Council shall take the provisions of the CP into consideration in determining that application. Compliance with the CP does not necessarily imply that Council will consent to any application.

1.9 Review Process for Contributions Plan

The CP will be reviewed when considered appropriate having regard to the rate of subsequent development of the area since the last review and the degree of development potential outstanding.

For practical reasons areas are generally considered to be fully developed in respect of their subdivisional potential, when approximately 90% - 95% of the potential residential lots are registered and existing.

1.10 Complying Development and the obligation of Accredited Certifiers

In accordance with section 94EC(1) of the Environmental Planning and Assessment Act 1979, accredited certifiers must impose a condition requiring monetary s94 contributions for any complying development which satisfies the requirements of this contributions plan. The amount of the contribution is to be determined in accordance with the formulae contained within the contributions plan and the current contributions' rate.

The conditions imposed must be consistent with Council's section 94 conditions relating to complying development in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to keep up to date with any amendments or changes to the plan (including changes to contributions' rate arising from indexation) accurately calculate the contributions and to apply the section 94 condition correctly.

1.11 Construction Certificates and the obligation of Accredited Certifiers

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment 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 payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the Environmental Planning and Regulation. The only exceptions to the requirement are where works in kind, material public benefit, dedication of land or a deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2 OBJECTIVES

- 2.1 To ensure, that infrastructure and works associated with urban and environmental enhancement are funded under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended.
- 2.2 To identify the additional services and facilities required to satisfy the needs of the future population,
- 2.3 Council to manage the CP implementation and Section 94 funds to ensure provision of services and facilities to meet demand;
- 2.4 To take account of services and facilities already provided in the urban release area whilst planning for future needs;
- 2.5 To provide a basis for determining fair and reasonable developer contributions;
- 2.6 To establish a nexus between anticipated development and contributions sought;
- 2.7 To enable the early provision of services;
- 2.8 To encourage public participation in the formulation of the plan;
- 2.9 To provide the development industry with early advice as to the amount of contributions which will be required for a particular development;
- 2.10 To facilitate proper financial management and accountability for the expenditure of contributions received;
- 2.11 Where a proposed service/facility will provide for population outside the DCP area, to apportion costs accordingly;

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- 2.12 To identify approximate locations and estimated costs of services and facilities to be provided;
- 2.13 To outline a proposed schedule/priority list identifying when services/facilities are to be provided in consideration of development rates;

3 CONTRIBUTIONS

3.1 Introduction

The Section 94 contributions were derived using the information and formulae outlined in this document. The contributions per lot were derived from the relevant formulae. Subsequently, all the components of the formulae are considered to be constant in respect of future indexation adjustments, except those contributions relating to land acquisition/purchase. Every three months the derived per lot contribution will be indexed.

Council has determined that the total theoretical potential of this DCP area is approximately 1000 lots. Certain existing properties have current development consents which can be acted upon or have development applications before Council which will be subject to existing contributions. The Section 94 contributions on these current development consents are indexed in accordance with the quarterly adjusted Consumer Price Index figures, however, they cannot legally be subject to increased Section 94 contributions resulting from reviews. This forms part of Council's consideration of "reasonableness", when reviewing DCPs/CPs and their needs and subsequent ability to pay for facilities and services based upon past decisions and circumstances.

3.2 Nexus

Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended) grants Councils the power to levy contributions from developers for facilities and services required as a consequence of development.

This power relies upon there being a clear link or nexus between the development being levied and the need for the facility or service for which the levy is being required. This nexus has been determined for the facilities and services proposed in the Works Schedule in this document.

In terms of the facilities and services proposed to be provided, it has been established that:

- * the contribution must be for, or relate to, a planning purpose;
- * the contribution must fairly and reasonably relate to the subject development; and
- * the contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

Additionally, it has generally been accepted that Section 94 contributions may be sought only for services and facilities, which Councils have a responsibility to provide; and that Section 94 contributions can be levied only for capital, not recurrent or operating costs.

The drainage works for which Council has determined to levy in the CP area are contained in the Works Schedule

3.3 Apportionment

Where the facilities and/or services to be provided (or which have already been provided), will also partially cater for development or population outside the DCP area, Council has apportioned the costs so that the residents/developers of land within the DCP area, will pay only for the portion of the facility/service that is attributable to their needs. The remainder will be funded by other means available to Council. The important consideration is the need for the facility as a result of the scale of the new development.

3.4 Drainage - Background

The trunk drainage strategy for the area has been designed using a residential development density of approximately 12 lots per hectare, which equates approximately to minimum lot areas of 550 square metres with 10% of the total lots with minimum lot areas of 450m². This lot area was the minimum statutory lot area at the time of DCP formulation land rezoning, taking place.

Any proposed increase in this development density (developing more than one dwelling-house per lot, such as a dual occupancy, cluster development or secondary dwelling), will necessitate additional drainage measures to ensure that the additional drainage requirements (which the system has not been designed to cater for), will be treated on site so that the increased density proposed will not affect the trunk drainage system. All developments will be required to comply with the conditions set out in Council's Stormwater Detention Policy.

Areas required to convey drainage are generally defined as such on the adopted DCP map. These areas are required as part of the proposed development to cater for drainage requirements generated. These are subject to change based upon detailed survey and design information at the development stage.

These areas are to be dedicated either to Council as a drainage reserve or are to be covered by a Section 88B Instrument (under the Conveyancing Act, 1919), restricting their use for drainage purposes only, or a contribution in lieu of the land dedication, may be required to be paid to Council for the purchase of such land to accommodate the needs of the subject development and the development of the DCP (including the construction of necessary drainage structures).

3.5 Timing of payment of contributions

Contributions levied under this plan will be payable as follows:

- (a) development applications involving subdivision - payment prior to the release of the subdivision certificate by Council.
- (b) development applications involving building - payment prior to the release of the construction certificate.
- (c) development applications not accounted for in (a) or (b) above - payment prior to the release of development consent;
- (d) Complying Development Certificates prior to the release of the complying development certificate.

3.6 Medium Density residential Development

Special conditions will apply to any development consent granted for medium density residential development. Medium density residential development includes units, villas, dual occupancies, town-houses, residential flat buildings, apartments, secondary dwellings and the like.

In respect of Section 94 development contributions and this Contributions Plan, Council's policy for medium density development is to apply 67% of the contribution for a single lot/dwelling-house to each medium density dwelling in respect of drainage contributions.

4 FORMULA

The outstanding funds required for the community/recreation facilities proposed, are sought under the proposed contribution rates from 28 December 1992 as indexed to today's values.

The formula adopted to determine contributions per lot for the required facilities and services is as follows:

* Drainage capital $\frac{C-(E + D)}{F} = \$ \text{ per lot}$

* Drainage land $\frac{RV}{F} = \$ \text{ per lot}$

Where:

C = The total estimated cost of constructing the drainage works = \$1,057,536.

D = Estimation of contributions payable for sites with development consents or applications before Council = \$210,816.

E = Existing funds available for drainage works/capital = \$44,699.

F = Forecast remaining lot potential of plan less approved subdivisions = 184 Ets/lot.

R = Total area to be acquired for drainage reserve and within the development control plan = 16,587m².

V = The current Council valuation estimate of drainage reserve land, appropriate to the land to be acquired, in dollars per m².

I1 = Current quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

I2 = Original quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

The contribution per lot is adjusted quarterly by multiplying it by (I1/I2) indexation figures.

General areas of drainage reserves/easements have been delineated on the CP. Variations to these locations may be considered at the development stage based upon detailed survey and design information.

Contributions will be required as a condition of consent at the initial stage of development.

Credit is given for existing lots except in relation to where the development is for a secondary dwelling.

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APPENDICES

I WORKS SCHEDULE / PRIORITIES FOR PROVISION - CURRENT FROM 09/08/99

WORKS TO BE CONSTRUCTED	ESTIMATED COST
Bungoona Road 2400mm x 1200mm box culvert x 136m 2 x 1050mm diameter pipe x 100m	\$ 270,500 \$ 146,000
Carrak Road Water Quality Control Structure	\$ 40,000
Davies Street 1200mm diameter pipe x 60m	\$ 47,000
Joalah Road 675mm diameter pipe x 100m	\$ 41,000
Kerns Road to Brennan Avenue Drainage Upgrade	\$ 138,000
Lot 11 DP 827662 Gladys Manley Avenue Land acquisition to water quality structure	\$ 30,300
COMPLETED WORKS Kincumber Street / Bungoona Road / Avoca Drive 1200mm diameter pipe x 350m Lot 15 DP 26119 Avoca Drive 750mm diameter pipe x 70m (accompanying easement not required) Avoca Drive 1050mm diameter pipe x 40m Drainage line from Avoca Drive to The Broadwater Kookaburra Street to Bungoona Road 750mm diameter pipe x 320m	

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II INDEXATION FIGURES

- I1 = Current quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.
- I2 = Original quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician = 107.4 (December 1992)

III LAND VALUATIONS - CURRENT FROM 17/12/91

Contribution	Englobo \$/m²	Developed \$/m²
Drainage	4.25	140

IV CONTRIBUTION RATE- CURRENT FROM 4/10/05

	Original Rate \$/lot	Current Rate \$/lot
Drainage capital (Account No D9016.834)	4737	6637
Drainage land (Account No D9016.835)	383	383
TOTAL	5120	7020

V ACCOUNTS

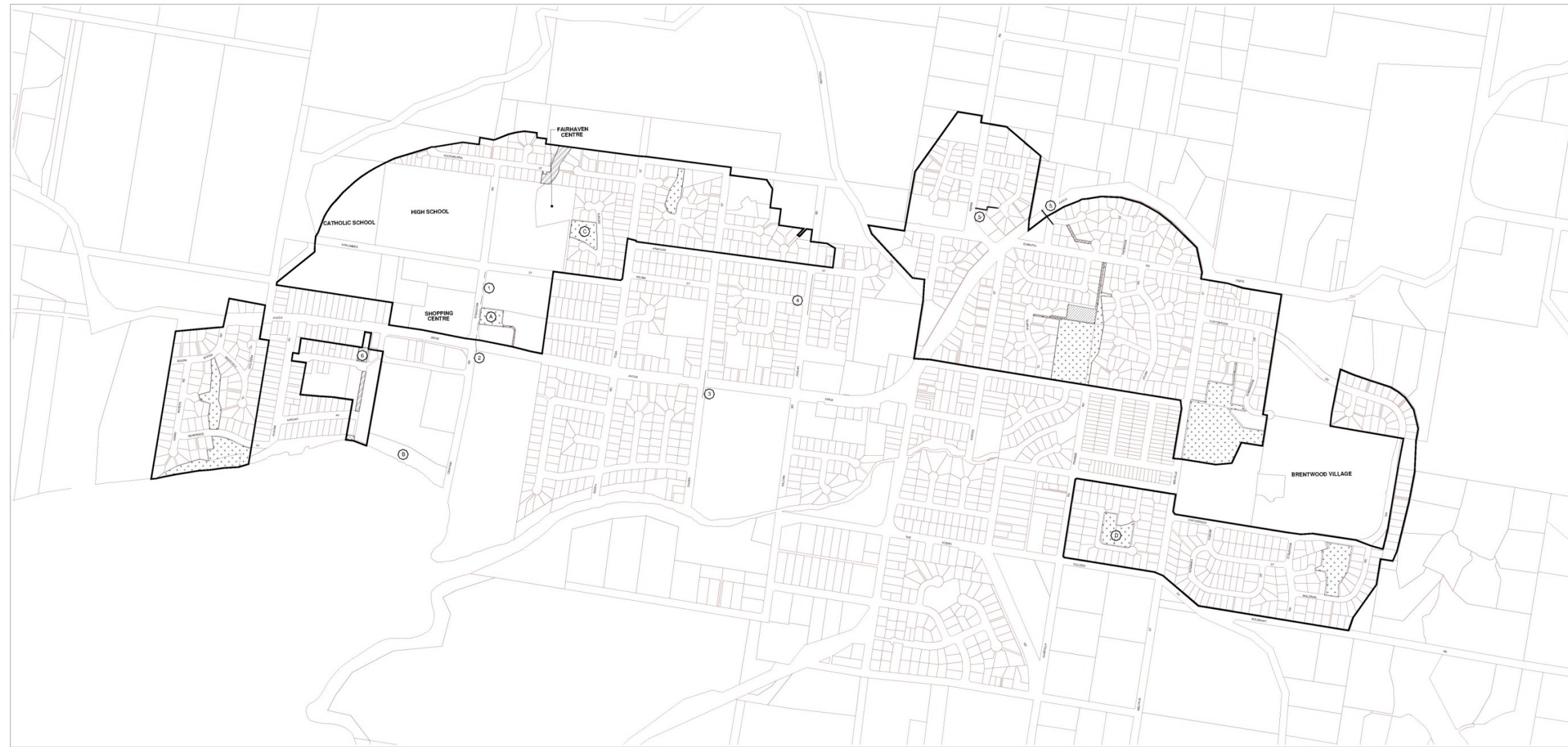
A Register is kept by Council, which outlines the following information:

- funds received from the date of the Contributions Plan coming into effect in accordance with the Environmental Planning and Assessment Regulation, 2000;
- funds levied under this plan will be accounted for separately (that is, funds levied under this plan shall have a separate account);
- the source of all funds received from the date of the plan coming into effect shall be separately identified (that is, identifying which specific development paid which specific contribution);
- expenditure of all funds received, identifying works on which the funds were spent, and timing of expenditure
- full details of disbursement to other accounts which have previously paid for the cost of studies.

These records are kept in accordance with the Environmental Planning and Assessment Act Regulation, 2000 as amended. These records are available for public perusal at the ground floor counter.

In accordance with the Regulations, an annual statement will be prepared and be available for public perusal, along with the register of accounts.

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WORKS SCHEDULE - KINCUMBER	
DRAINAGE	
ITEM	ESTIMATED COST
1. BUNGOONA RD 2400mmx1200mm BOX CULVERT x136m 2x1050mm DIA. PIPE x 100m	\$270,500 \$146,000
2. WATER QUALITY CONTROL STRUCTURE	\$ 40,000
3. DAVIES ST 1200mm DIA. PIPE x 60m	\$ 47,000
4. JOALAH RD 675mm DIA PIPE x100m	\$ 41,000
5. KERNS ROAD TO BRENNAN AVE DRAINAGE UPGRADE	\$138,000 TOTAL \$682,500
6. LAND ACQUISITION FOR WATER QUALITY STRUCTURE LOT 11, DP 927562	\$ 30,300 TOTAL \$ 30,300

LEGEND

	EXISTING DRAINAGE RESERVE		D.C.P. BOUNDARY
	EXISTING PUBLIC RESERVE		DRAINAGE WORK
	PROPOSED DRAINAGE RESERVE		RECREATION EMBELLISHMENT
			PROPOSED DRAINAGE LINE

COMPLETED WORKS - KINCUMBER		
RECREATION & OPEN SPACE	DRAINAGE	ROADWORKS & TRAFFIC MANAGEMENT
	DRAINAGE WORKS EXPENDITURE PRIOR TO 1992 - VARIOUS** 1200mm RCPx350m KINCUMBER ST/BUNGOONA RD 750mm RCPx70m & 1050mm RCPx40m AVOCA DR. 750mm RCPx320m KOKKABURRA ST. TO BUNGOONA RD. DRAINAGE LINE FROM AVOCA DRIVE TO THE BROADWATER	ROADWORKS PRIOR TO 1992 - VARIOUS** MELVILLE ST ADJACENT TO PATRICK CROKE OVAL KINCUMBER ST HALF ROAD CONSTRUCTION
<small>* DENOTES UNDER ACQUISITION / CONSTRUCTION / DESIGN ** DENOTES EXPENDITURE PRIOR TO DECEMBER 1992</small>		

<small>REVISION DETAILS</small> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>							<small>DATE</small> CONTRIBUTIONS PLAN 16A - DRAINAGE CONTRIBUTIONS PLAN 16C - OPEN SPACE	<small>COUNCIL FILE No.</small> 377.25.04 <small>THIS PLAN COMES INTO EFFECT FROM 4/11/99 TO THE EXTENT TO WHICH IT IS CONSISTENT WITH ALL OTHER LOCAL ENVIRONMENTAL PLANS.</small>	<small>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATIONS, AS AMENDED.</small> <small>FOR COUNCIL</small> <small>DATE</small>	 SHEET 1 OF 1 SCALE 1:5000 	KINCUMBER CONTRIBUTIONS PLANS No.16A DRAINAGE