

CONTRIBUTIONS PLAN NO. 16B

# ROADWORKS AND TRAFFIC MANAGEMENT

KINCUMBER



This Page Intentionally Left Blank

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

**LIST OF CONTENTS**

**1 INTRODUCTION**

- 1.1 History of Contributions Plan Area
- 1.2 Name of Contributions Plan
- 1.3 Abbreviations within Contributions Plan
- 1.4 Land to which Contributions Plan Applies
- 1.5 Relationship to Environmental Planning Instruments and other Plans
- 1.6 Purpose of Contributions Plan
- 1.7 Operation of Contributions Plan
- 1.8 Application of Contributions Plan
- 1.9 Review Process for contributions Plan
- 1.10 Complying Development and the obligation of Accredited Certifiers
- 1.11 Construction Certificates and the obligation of Accredited Certifiers

**2 OBJECTIVES**

**3 CONTRIBUTIONS**

- 3.1 Introduction
- 3.2 Nexus
- 3.3 Apportionment
- 3.4 Roadworks and Traffic Management - Background
- 3.5 Timing of Payment of Contributions
- 3.6 Medium Density Residential Development

**4 FORMULA**

**APPENDICES**

- i Works Schedule
- ii Indexation figures
- iii Accounts
- iv Current valuation
- v Contribution rate
- vi Roadworks standards
- vii Other roadworks calculations

## **1 INTRODUCTION**

### **1.1 History of Development Control Plan Area**

Most of the Kincumber Urban Release Area was rezoned to residential under Local Environmental Plan (LEP) 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 18/12/92.

The Contributions Plan came into effect on 28 December 1992.

Subsequent amendment came into effect on 19 April 2006.

### **1.2 Name of Contributions Plan**

The Contributions Plan is called Contributions Plan No. 16B - Roadworks and Traffic Management - Kincumber and consists of this of this document and map marked Contributions Plan 16B - Roadworks and Traffic Management - 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 map 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 Act, 1979, as amended.

“CP” means Contributions Plan No. 16B - Roadworks and Traffic Management - Kincumber the document, prepared under the EPA Act, as amended.

“CP Map” means the maps marked Contributions Plan 16B - Roadworks and Traffic Management - 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) and DCP 16 applies, as outlined by a bold black line on the adopted CP Map.

### **1.5 Relationship to other Plans/Instruments**

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

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

The CP should be read in conjunction with the following:

- Development Control Plan No. 16 - Kincumber
- Contributions Plan No. 16A - Drainage - Kincumber
- Contributions Plan No. 16C - Open Space - Kincumber

#### **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.

As the DCP has existed for a number of years, most of the Section 94 contributions have already been used by Council to provide new facilities and services and upgrading of existing facilities and services, to cater for the additional demand generated by the new development and population.

#### **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 the CP applies, Council shall take the provisions of the CP into consideration in determining that application.

Compliance with the provisions of the CP does not necessarily imply that Council will consent to any application.

In special circumstances, Council may consent to an application which departs from the provisions of the DCP.

#### **1.9 Review Process for Contributions Plans**

The Contributions Plan 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 outstanding development potential.

Areas are, for practical reasons, 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 OF CONTRIBUTIONS PLAN**

- 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 To enable Council to manage the Contribution Plan 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 URA 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;

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

- 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, to apportion costs accordingly;
- 2.12 To identify locations and costs of services and facilities to be provided;
- 2.13 To outline a 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. The land valuations will be reviewed at regular intervals as considered necessary having regard to the land market. Currently the values are being reviewed every six months. Council engages a private consulting valuer to review the land values.

Council has determined that the total theoretical potential of this CP area is now about 1001 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 such as this current review. 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 works/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 for the service for which the levy is being required.

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 work/services proposed in the Works Schedule in this document.

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

In terms of the works/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/works which Councils have a responsibility to provide; and that Section 94 contributions can be levied only for capital, not recurrent or operating costs.

The roadworks for which Council has determined to levy in the Contributions Plan area are contained in the appended Works Schedule.

### **3.3 Apportionment**

Where the works/services to be provided (or which have already been provided), will also partially cater for development or population outside the CP area, Council has apportioned the costs so that the residents/developers of land within the CP area, will pay only for the portion of the works/service that is attributable to their needs. The remainder will be funded by 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 Roadworks and Traffic Management – Background**

Contributions for roads will be applied to upgrading key collector roads within the CP area. These upgrading works are required to cater for the traffic generated by the development of the URA. The cost of intersection treatment work at the intersections of Melville Street with Avoca Drive and Kerns Road with Avoca Drive, has been apportioned with part of the cost being borne by the DCP.

In addition to the CP roadworks and traffic management proposed, a Local Area Traffic Management (LATM) is about to commence construction within the Kincumber residential area. These proposals overlap in some areas with the CP area. Further details on the LATM are available within that document.

### **3.5 Timing of Payment of Contributions**

Contributions levied under this plan will be payable as follows:

- development applications involving subdivision : payment prior to the release of the subdivision certificate by Council;
- development applications involving building : payment prior to the release of construction certificate;
- development applications where no construction certificate is required : at the time of development or as determined by Council under the development consent;
- 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 dwelling in respect of road works and traffic management contributions.

## **4 FORMULA**

The outstanding funds required for the proposed road works, beyond those held within trust funds and those contributions to be paid through existing development consent conditions.

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

The contributions are determined as follows:

$$* \quad \text{Roadworks/Capital [C-(E + D)]} = \text{Per lot}$$

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

Where :

- C = The total estimated cost of constructing the identified roadworks within the CP.
- D = Estimation of contributions payable for sites with development consents or applications before council = \$71,004.
- E = Existing funds available for road works = \$41,300
- F = Forecast remaining lot potential of plan less approved developments and those before council = 184 ETs/lots
- 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

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.

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

**APPENDICES**

**I WORKS SCHEDULE/PRIORITIES FOR PROVISION – CURRENT FROM 28/12/92  
In descending priority order as funds are received and available.**

**ROADWORKS CAPITAL COSTS**

	<b>COST</b>
1 Avoca Drive/Melville Street Intersection CP Apportionment	\$86,350
2 Avoca Drive/Ballorok Road Intersection CP Apportionment	\$80,000
3 School Street/Elimatta Road, No access to Avoca Drive ½ road	\$60,720
4 Melville Street Adjacent to Patrick Croke Oval ½ road	\$78,430
5 Kincumber Street Adjacent to Lot 3 DP 749376 and Lot 11 DP 719717 ½ road	<u>\$50,600</u>
<b>TOTAL</b>	<b>\$356,100</b>

**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 ACCOUNTS**

A register is kept by Council which outlines the following information:

- funds held as at 27/12/92, along with interest accrued
- funds received from 28/12/92 onwards, under the new regulations pertaining to Section 94 contributions
- funds will be accounted for separately in keeping with the individual contribution plans, ie each Contribution Plan will have a separate account
- source of all funds received from 28/12/92
- expenditure of all funds

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 made available for public perusal, along with the register of accounts.

<b>CONTRIBUTIONS PLAN NO. 16B</b> <b>ROADWORKS AND TRAFFIC MANAGEMENT</b> <b>KINCUMBER</b>
--

The existing balances held in trust by Council as at 12/8/92 are as follows:

- Roadworks           \$41,300 (accounts not separate for land & capital)

The following fund total is an estimation of current contributions (indexed) payable by existing development consents and those that would be attributable to development applications which are currently before Council (therefore not subject to the new rate).

- Roadworks           \$71,004

**IV   CURRENT VALUATIONS APPLYING TO LAND – CURRENT FROM 17/12/91**

<b>Contribution</b>	<b>Englobo \$/m<sup>2</sup></b>	<b>Developed \$/m<sup>2</sup></b>
Roads	25	140

**V   CONTRIBUTION RATE - CURRENT FROM 4/10/05**

	<b>Original Rate \$/lot</b>	<b>Current Rate \$/lot</b>
Roadworks (Account No D9016.831)	1325	1856

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

**VI ADOPTED STANDARDS FOR ROAD CONSTRUCTION INCLUDING DRAINAGE 11M WIDE ROAD PAVEMENT – COST PER LINEAL METRE**

<b>No</b>	<b>Item</b>	<b>Amount</b>
1	Provision for traffic say \$5000/100m	\$50.00
2	Set up camp say \$1000/100m	\$10.00
3	Excavation and boxing for pavement and kerb and gutter = 0.25 x 11.6 = 2.9squ m @\$19cu m	\$55.10
4	Excavate and/or fill for footpath @ average 0.1m deep	\$17.10
5	Excavation of bad subgrade say 30% poor subgrade @ 0.3m deep = 11.6 x 0.3 x 0.3 = 1.05 squ m @ \$19 cu m	\$19.95
6	Excavate and backfill stormwater drainage trench = 1 x 0.8 + (0.8 x 1/80) = 0.81squ m @ \$48 cu m	\$38.88
7	Supply and lay road drainage average 375mm dia RCP	\$89.68
8	Allow one DGG Pit every 80m @ \$1100 each = \$2200/80	\$27.50
9	Supply and lay 0.3m ripped sandstone to 30% of pavement in areas of poor subgrade = 11.6 x 0.3 x 0.3 = 1.05 squ m @ \$27.60 cu m	\$28.98
10	Supply and lay 0.2 m crushed rock (DGB) = 11 m @ \$22 squ m	\$242.00
11	Surface 25mm AC @ \$7.80 squ m x 11	\$85.80
12	Topsoil footpath 100mm @ \$4.40/squ m x 9	\$39.60
13	Turf footpath @ \$7.20 / squ metre x 9	\$64.80
14	Kerb and gutter @ \$53.20 / lineal metre	\$106.40
	<b>SUB TOTAL</b>	<b>\$875.79</b>
	<b>CONTINGENCIES 15%</b>	<b><u>\$131.37</u></b>
	<b>TOTAL</b>	<b>\$1,007.16</b>
	Per squ m	\$91.56
	SAY	
	At \$92.00 per square metre	
	<b>Pave Width</b>	<b>Cost per lineal metre</b>
	13.0m	\$1196
	11.0m	\$1012
	9.0m	\$828
	6.5m	\$598
	5.5m	\$506
	4.5m	\$414

<b>CONTRIBUTIONS PLAN NO. 16B</b> <b>ROADWORKS AND TRAFFIC MANAGEMENT</b> <b>KINCUMBER</b>
--

**VII OTHER ROADWORKS CALCULATIONS**

**Intersection Improvement**

**Priority DCP % Contribution (apportionment)**

1	Avoca Drive/Melville St	ITEM cost	\$86,350
2	Avoca Drive/Ballorok Rd	ITEM cost	<u>\$80,000</u>
			<b>\$166,350</b>

Priority	Road Construction	QTY	UNIT	RATE	AMOUNT\$
3	Elimatta Rd/School St 11m wide ½ road construction (5.5m)	120	M	506	60,720
4	Melville St – 11 m wide adjacent to Patrick Croke Oval ½ road construction (5.5m)	155	M	506	78,430
5	Kincumber St – 11 m wide adjacent to Lot 3, DP 749376 and Lot 11 DP 719717 ½ road construction	100	M	506	<u>50,600</u>
<b>Sub Total</b>					189,750
<b>B/FWD</b>					<u>166,350</u>
<b>TOTAL</b>					<b>\$356,100</b>

**CONTRIBUTIONS PLAN NO. 16B  
ROADWORKS AND TRAFFIC MANAGEMENT  
KINCUMBER**

