

CONTRIBUTIONS PLAN NO. 36A

# ERINA VALLEY



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**CONTRIBUTIONS PLAN NO. 36A  
ERINA VALLEY**

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## **1 INTRODUCTION**

### **1.1 Name of Contributions Plan**

This Contributions Plan (CP) is called Contributions Plan No. 36A Erina Valley Contributions Plan.

The Contributions Plan came into effect on 20 April 1994.

Subsequent amendments came into effect on 19 April 2006.

### **1.2 Land to which Contributions Plan applies**

This Contributions Plan applies to land which the Interim Development Order No. 122 applies and any other subsequent planning instrument as outlined by a bold black line on the accompanying map.

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

This Contributions Plan is made under, and generally conforms with, the deemed environmental planning instrument, the Interim Development Order No. 122 any other subsequent planning instrument which contains the legal planning controls for the development of the area to which the Contribution Plan applies.

This plan must be read in conjunction with Development Control Plan No. 36 - Erina Valley.

### **1.4 Purpose of Contributions Plan**

The purpose of this Contributions Plan is to enable the levying of development contributions for investigations undertaken to assist in the determination of an appropriate zoning and control plan for the area.

### **1.5 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.

### **1.6 Application of Contributions Plan**

When a Development Application is lodged which relates to subdivision of land to which this Contributions Plan applies, Council shall levy contributions on development in accordance with the provisions of this plan.

### **1.7 Review Process for Contributions Plan**

This Contributions Plan may be reviewed, amended or repealed in accordance with the provisions of the Environmental Planning and Assessment Regulation, 2000. It is envisaged that the plan be reviewed when appropriate, having regard to the rate of development and relationship to other Contributions Plans or Development Control Plans.

### **1.8 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.

### **1.9 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 OBJECTIVE OF CONTRIBUTION PLAN**

To enable the recouping of funds expended for investigations of appropriate development options.

## **3 CONTRIBUTIONS**

### **3.1 Nexus & Assessment of Contributions**

The basis of all Section 94 Contributions paid to Council is that a nexus or connection exists between the development proposed and in this case the need for the investigations undertaken to determine the appropriate zone.

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The majority of land the subject of this plan was zoned Rural 1(c) under Sydney Regional Environmental Plan (REP) No. 6 in 1983 and subdivision was permitted subject to a 40 ha minimum lot size.

Council resolved in July 1990 that "Further studies to assist in the preparation of a development strategy for Erina Valley be commissioned and that a further report be brought back to Council outlining the results of these studies and the subsequent affects on the development of Erina Valley".

Investigation undertaken by consultants on behalf of Council covered matters relating to drainage, soil capability, scenic quality and flora and fauna. The total cost to Council of these investigations was \$61,300.

As a result of these investigations Council resolved to prepare a draft Local environmental Plan (LEP) to rezone the land Conservation and Scenic Protection 7(c2). This zoning permitted subdivision subject to a 1 ha minimum lot size. LEP 305 was gazetted on 28 January 1994.

Due to these investigations it is now possible to achieve a greater level of development on the subject land than what was possible under the previous zoning. Without the investigations undertaken, this development would not be possible. The connection then is demonstrated between the development proposed, in this case subdivision, and the need for investigations to determine the appropriate zone to permit the subdivision.

### **3.2 Payment of Contributions**

Contributions levied under this plan will be payable as follows:

- 1 Payment prior to the release of the subdivision certificate by Council

The contribution shall be calculated in accordance with the following formula:

$$\begin{aligned} \text{Investigation Contribution} &= \frac{C + I}{L} \\ &= \frac{\$61,300 + \$41,290}{40} \\ &= \$2564.77 \end{aligned}$$

C = Total cost of investigations undertaken

I = Interest forgone on Council's outlay over expected 10 year development period at 11% being rate at July 1990.

L = Lot potential

\* The contribution is adjusted quarterly by multiplying it by  $(I_1 / I_2)$  indexation figures.

$I_1$  = Current quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

$I_2$  = Original quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician = 108.8 (December 1993)

**4 ACCOUNTS/FUNDS BALANCE**

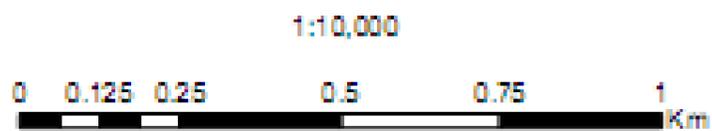
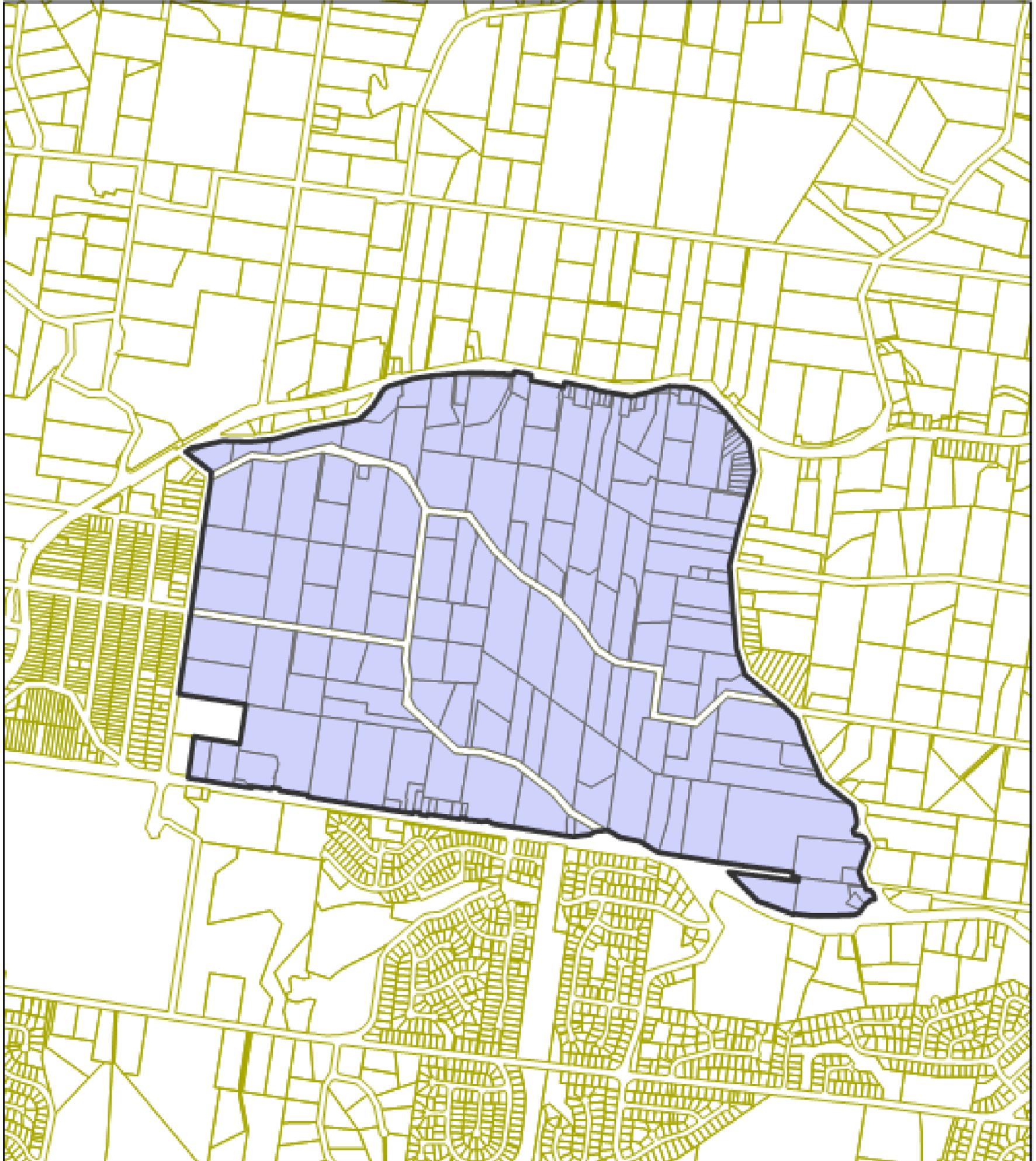
A register is kept by Council which outlines the following information:

- Funds held as at 18 December 1992 onwards, under the new regulations pertaining to Section 94 Contributions.
- Source of all funds received from 18 December 1992 onwards, ie identifying the specific development.
- These records are kept in accordance with Clause 41M of the Environmental Planning and Assessment Act, Regulation, 2000, as amended.

These records are kept in accordance with the Environmental Planning and Assessment Act, Regulation, 2000, as amended.

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

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**Legend**

-  Boundary
-  CP36A
-  Cadastre

