

CONTRIBUTIONS PLAN NO. 43A

# LOCAL OPEN SPACE

EAST GOSFORD



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**CONTRIBUTIONS PLAN NO. 43A  
LOCAL OPEN SPACE  
EAST GOSFORD**

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## **1 INTRODUCTION**

### **1.1 Name of Plan**

This Contributions Plan is called Contributions Plan No. 43A – Local Open Space - East Gosford.

This plan consists of this document and accompanying map marked Contributions Plan No. 43A - Local Open Space - East Gosford

The Contributions Plan came into effect on 28 October 1993.

### **1.2 Land to which Plan Applies**

This Contributions Plan applies to land to which the Gosford Planning Scheme Ordinance (as amended) applies as outlined by a bold black line on the accompanying map.

### **1.3 Purpose of Plan**

The purpose of this Contributions Plan is to enable the levying of development contributions for the provision and embellishment of local open space in the East Gosford Contributions Plan Area that will be required as a result of the increased recreational requirements generated by new development. Local open space within this plan refers to children's playgrounds and small parks used for unstructured recreation.

### **1.4 Operation of Plan**

This Contributions Plan 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 Contributions Plan 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.

### **1.5 Application of Plan**

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

Compliance with this Contributions Plan does not necessarily imply that Council will consent to any application.

### **1.6 Relationship to other Plans**

This Contributions Plan is made under, and generally conforms with, 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 this contribution plan applies.

This plan must also be read in conjunction with any Development Control Plans or any other Contributions Plans that may apply to the area affected by this plan.

### **1.7 Review Process**

This Contributions Plan may be reviewed, amended or repealed in accordance with the provisions of the Environmental Planning & Assessment Regulation, 2000.

It is envisaged that the plan may be reviewed when determined 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 OBJECTIVES OF CONTRIBUTIONS PLANS**

- 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 local open space and embellishment required to satisfy the needs of the future population.
- 2.3 Council to manage the Contributions Plan implementation and Section 94 funds to ensure provision of local open space and embellishment to meet demand.

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- 2.4 To take account of local open space and embellishment already provided in the Contributions Plan 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 local open space and embellishment.
- 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 To identify locations and costs of local open space and embellishment to be carried out.
- 2.12 To outline a schedule/priority list identifying when local open space and embellishment are to be provided in consideration of development rates.

### **3 POPULATION**

The 1991 Census information indicates that the current population of the East Gosford Contributions Plan area is approximately 4247. Council has established that under existing zoning provisions, the population of East Gosford will increase by approximately 1,535 persons (ultimate development). This figure has been derived from development potential under existing zoning provisions, expected occupancy of units and also displacement of existing population through redevelopment.

Growth rates are based upon the average rate of development between 1987 and 1992 assuming that these rates continue into the future and will decline as development reaches capacity and available land for development becomes increasingly scarce. The population forecast and time frame are shown in Table 5.1.

**TABLE 3 POPULATION FORECAST**

	<b>EXISTING 73% DEVELOPED</b>	<b>80% DEVELOPED (APPROX 1997)</b>	<b>86% DEVELOPED (APPROX 2001)</b>	<b>100% DEVELOPED (APPROX 2020)</b>
Total Population	4,247	4,655	4,981	5,782

### **4 NEXUS**

The basis of all Section 94 Contributions paid to Council is that a nexus or connection exists between a development proposed and the need to either upgrade or provide additional services and facilities.

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Demand for additional open space is generated by increased population in the following ways.

- \* Informal open space catering for activities such as walking, sitting, picnicking and informal games loses its appeal when the space becomes overcrowded. Additional spaces must then be provided.
- \* Equipment provided within open space areas, such as child play equipment and barbecues have a limited capacity and additional facilities must therefore be provided.
- \* Medium density development provides much less private open space than do single detached houses. This places additional pressure upon community open space.

The plan responds to increased open space demand at the local level. Demand is measured in accordance with the standards outlined below.

**TABLE 4 ACCEPTED STANDARDS OF OPEN SPACE PROVISION**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>POPULATION SERVED</b>	<b>LAND REQUIREMENT IN HECTARES</b>	<b>HA/1000</b>
Playgrounds	Play items and play equipment for young children	1:1000	0.20	0.20
Local parks	Passive recreation including major tree planting and space for ball games and play equipment	1:4000	2.00	0.50

This plan relies upon the above standards of open space provision to establish the amount and type of open space required to serve anticipated population increase. These standards have been derived from previously published open space standards, Department of Planning guidelines and the 1993 Gosford City Open Space Strategy. The adopted standards for the local open space categories of children's and local parks are shown in the above table.

#### **4.1 EXISTING OPEN SPACE DEMAND**

Council has undertaken an audit of local open space lands for the area affected by the East Gosford Contributions Plan. The local open space resources have been categorised according to the adopted standards as shown in Table 4.

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**TABLE 4.1 EXISTING LOCAL OPEN SPACE DEMAND**

	<b>CURRENT LAND REQUIRED IN M<sup>2</sup></b>	<b>EXISTING FACILITIES</b>	<b>AREA IN M<sup>2</sup></b>	<b>DEFICIT OR SURPLUS IN M<sup>2</sup></b>
Playgrounds	8500	H Moore Park	1012	-5600
		Playground Well St Park	971	
		Elizabeth Ross Park	1000	
		SUB TOTAL	2983	
Local parks	21200	Frederick St	1814	+23000
		Hargraves Pk	1814	
		Waratah St	23500	
		Wells St	2000	
		Albert St	1012	
		Enid Cr	1189	
		George St	7525	
		Sierra Cres	1701	
		Victoria St	600	
		Albert St	2852	
		SUB TOTAL	44186	
<b>TOTAL</b>	<b>2.97</b>		<b>47100</b>	<b>+17400</b>

From the above Table, it is evident that East Gosford is generally well served with local open space. Local residents also have access to Hylton Moore Park, Brisbane Water and Rumbalara Reserve.

There currently exists approximately 0.29 hectares of playgrounds in the area covered by this Contributions Plan. This equates to a deficit of 0.56 hectares of playground area for the current population. There is currently 4.2 hectares of local parks in the East Gosford Contributions Plan area. This equates to a surplus of local parks to meet the current and future needs of the population.

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## 4.2 FUTURE OPEN SPACE DEMAND

Table 4.2 indicates future requirements for local open space in East Gosford based upon the adopted standards and the population forecast.

**TABLE 4.2 FUTURE OPEN SPACE REQUIREMENTS**

	<b>ULTIMATE AREA REQUIRED IN M<sup>2</sup></b>	<b>DEFICIT OR SURPLUS IN M<sup>2</sup></b>
Playgrounds	11600	-8617
Local parks	28900	+15286
<b>Total</b>	<b>40500</b>	<b>+6669</b>

The ultimate population of the area will be provided with over 8 square metres of passive open space per person which is above that required by the standard outlined in table 4.1. The ultimate population requires 11600 square metres of playground. A deficit of 8617 square metres will result without the further conversion of local parks to playgrounds. It is recommended that a number of existing local parks be embellished with playground facilities to meet the needs of the current and future population.

It is concluded that no additional local open space be acquired for the East Gosford Medium Density Contributions Plan area as sufficient land is currently available to meet current and future demand.

However, some passive open space facilities are poorly embellished and future works are required to ensure that the community obtains full value from its open space resources. It is considered reasonable that Section 94 Contribution from new development be used to wholly fund such embellishment.

Having regard to the current age structure of East Gosford, ie a very high proportion of elderly, the deficit of one playground is not considered significant. The 1993 Household survey also highlighted the low priority need for playgrounds within the East Gosford area. Further embellishment of open space land will ensure that this deficit is removed and the needs of the incoming population are met.

The schedule for proposed embellishment is contained within Appendix 1. This Table forms the basis of all works to be undertaken using Section 94 Contributions from new development.

Sportsfields, structured recreation facilities and district/regional facilities are to be considered at a regional/district level under a separate contributions plan.

## 4.3 APPORTIONMENT

The costs of providing the future local open space has been apportioned in relation to the existing and future population that will use the existing and proposed facilities. The existing population has provided the land component of the existing open space within the East Gosford Contributions Plan area and also any existing embellishment. The additional embellishment to meet future needs will be fully funded under this Contributions Plan.

## **5 OCCUPANCY RATES**

Section 94 contributions will be levied on a per person basis based on the size of the dwelling, assumed occupancy rates of dwellings and includes medium density residential development. Medium density residential development includes units, villas, dual occupancies, townhouses, residential flat buildings, apartments, secondary dwellings and the like.

### **Development**

Each allotment/dwelling house 3.0 persons

**Other dwellings** (eg medium density/semi detached, town houses, villas, secondary dwellings etc)

Small dwelling – not exceeding 1.5 persons

Medium dwelling – not exceeding 70sq m 2.0 persons

Large dwelling – greater than 110 sq m 3.0 persons

These occupancy rates are based upon 1991 census information, with the rates slightly increased to allow for the following factors.

- \* Future increases in occupancy rates due to a limited land supply and increasing pressure upon the existing housing stock;
- \* Increasing community acceptance of medium density housing types for family accommodation.

## **6 FORMULA**

### **6.1 Local Open Space Embellishment**

The formula adopted to determine contributions for the required local open space embellishment is as follows:

$$\frac{R}{P} = \text{per person contribution rate}$$

- \* Contribution per person is adjusted quarterly by multiplying by indexation figures (I1/I2) where

R = total cost of embellishment of open space as outlined in works schedule

P = ultimate population increase (1,535)

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

Note: Credit is given for the existing allotment at a rate of 3.0 persons per dwelling except in relation to where the development is for a secondary dwelling.

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**7 PAYMENT OF CONTRIBUTIONS**

Contributions for open space levied under this plan will be payable as follows:

- a Development applications involving subdivision – payment prior to the release of the subdivision certificate.
- 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.

Deferred payment may be accepted (Bank Guarantee or similar) and the form of payment will be considered at the Development Application stage.

**8 ACCOUNTS/FUND BALANCES**

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

- funds held as at 21 October 1993 along with interest accrued (Account Number D9043.826)
- funds received from 21 October 1993 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 21 October 1993 onwards, ie identifying the specific development.
- expenditure of all funds, identifying on what they were spent and where and when they were spent.

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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**APPENDIX I**

**SCHEDULE OF WORKS**

	<b>FACILITY</b>	<b>LOCATION</b>	<b>EMEBELLISHMENT COSTS</b>	<b>COMMENT</b>	<b>ESTIMATED TIMING % OF ULTIMATE POPULATION</b>
1	Playground	Elizabeth Ross park	\$30,000	Embellishment with additional play equipment	77%
2	Playground	Hylton Moore park	\$40,000	Additional play equipment to meet local needs	82%
3	Local park	Hargraves park	\$35,000	Removal of council owned dwelling and extend adjacent reserve – provide shelter and seating	87%
4	Playground	Hargraves park	\$40,000	Provide play equipment	92%
5	Local park	Waratah st	\$40,000	Prepare landscaping plan and provide seating/pathways etc	97%
6	Local park	Wells st	\$20,000	Seating/landscaping	100%
<b>TOTAL</b>			<b>\$205,000</b>		

The priorities listed may alter having regard to the pattern of development within the Contributions Plan area.

**APPENDIX II**

**INDEXATION FIGURES**

- I1 = **Current** Consumer Price Index (ALL Groups Index) for Sydney issued by the Australian Statistician.
- I2 = **Original** Consumer Price Index (ALL Groups Index) for Sydney issued by the Australian Statistician (Note: Original means at the time of each CP being adopted or the plan being substantially altered).

Contribution per person is adjusted quarterly by multiplying original rate by indexation figures (I1/I2)

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**APPENDIX III**

**CONTRIBUTION RATES (AT JULY 1993)**

**LOCAL OPEN SPACE EMBELLISHMENT**

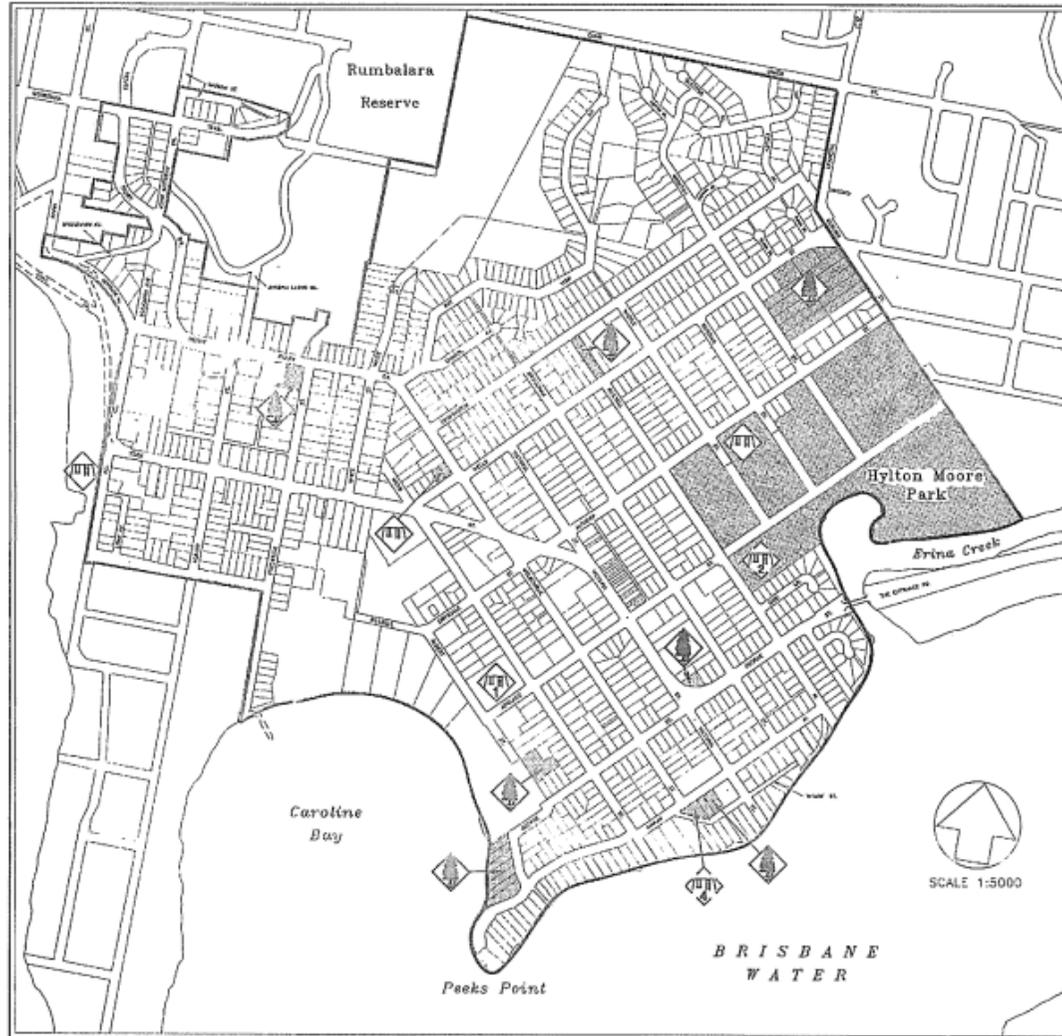
At the original rate of \$133.50 per person, the following contributions would apply:

1	Small unit (1.5 persons x \$133.50)	=	\$200.00
2	Medium unit (2.0 persons x \$133.50)	=	\$267.00
3	Large unit (3.0 persons x \$133.50)	=	\$401.00
4	New allotment (3.0 persons x \$133.50)	=	\$401.00

Contribution rates are indexed in accordance with the "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

Current contribution rates are available from Council's Ground Floor Enquiry Counter, Mann Street, Gosford.

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**G O S F O R D   C O U N C I L**



**SECTION 94  
CONTRIBUTIONS  
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**SCHEDULE OF WORKS**

Local Open Space

Priority & Seq. No.	Description	Cost \$
1	Elizabeth Ross Park - Playground	30,000
2	Hylton Moore - Playground	40,000
3	Hargraves Park - Embellishment	35,000
4	Hargraves Park - Playground	40,000
5	Waratah St - Embellishment	40,000
6	Local Park - Wells St	20,000
Total		205,000

NOTE: Costs Shown are subject to periodic revision.  
Current contribution rates with respect to new  
development are available from the  
Ground Floor Enquiry Counter

**Legend**

- Existing Local Park
- Existing Playground
- Proposed Playground
- Contributions Plan Boundary

THIS PLAN COMES INTO FORCE FROM 21/10/93 TO THE EXTENT TO WHICH IT IS CONSISTENT WITH THE GOSFORD PLANNING SCHEME ORDINANCE, THE GOSFORD LOCAL ENVIRONMENTAL PLAN NO. 200, OR ANY SUBSEQUENT LOCAL ENVIRONMENTAL PLAN WITHIN THE AREA.

COUNCIL FILE NO. 377 B7  
COUNCIL REGISTERED PLAN NO. 27/93

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AND REGULATIONS. (AS AMENDED)

TOWN PLANNER DATE 21.10.93 SUPERVISING DRAFTSPERSON