

CONTRIBUTIONS PLAN NO. 43B

LOCAL ROADWORKS

EAST GOSFORD



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**CONTRIBUTIONS PLAN NO. 43B
LOCAL ROADWORKS
EAST GOSFORD**

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1 INTRODUCTION

1.1 Name of Plan

This Contributions Plan is called Contributions Plan No.43B – Local Roadworks - East Gosford.

This plan consists of this document and accompanying map marked Contributions Plan No. 43B - Local Roadworks - East Gosford.

1.2 Land to which Plan Applies

This Contribution 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 upgrading of roadworks and footpaths at East Gosford that will be required as a result of the increased vehicular traffic and pedestrian requirements generated by new development. The plan also outlines works to be carried out by the developer.

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 Contributions 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This Contributions Plan may be reviewed, as amended or repealed in accordance with the provisions of the Environmental Planning & Assessment Regulation, 2000.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 OBJECTIVES OF CONTRIBUTION 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 local roadworks 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 roadworks to meet demand.

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- 2.4 To take account of roadworks and footpaths 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 provisions of local roadworks, footpaths, kerb and guttering and street tree planting.
- 2.8 To provide the development industry with early advice as to the amount of contributions which will be required for a particular development.
- 2.9 To facilitate proper financial management and accountability for the expenditure of contributions received.
- 2.10 To identify locations and costs of works to be carried out.
- 2.11 To outline a schedule/priority list identifying when works are to be provided in consideration of development rates.
- 2.12 To provide a comprehensive network of pedestrian footways throughout the East Gosford Contributions Plan area to connect with open space areas, commercial areas and transport nodes. Where appropriate, these will also serve as cycle routes.
- 2.13 To improve the residential character of streets by the addition of further street tree planting.
- 2.14 To outline works to be undertaken by developers in association with future development.
- 2.15 To ensure that kerb and gutter is constructed at the frontage of each development site.

3 POPULATION

The 1991 Census information indicates that the current population of the East Gosford Contributions Plan area is approximately 4247. Council has established under existing zoning provisions that the East Gosford Contributions Plan area will increase by approximately 1535 (ultimate development). This figure has been derived from development take up rates that have occurred, expected occupancy rates and also the displacement of existing population through redevelopment.

Growth rates are based upon the average rate of development between 1986 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 following population projections form the basis of the assessment of roadworks provision and the Schedule of Works. The proposed works are based upon the additional population at ultimate development.

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TABLE 3 POPULATION GROWTH

	EXISTING 73% DEVELOPED	80% DEVELOPED (APPROX 1997)	86% DEVELOPED (APPROX 2001)	100% DEVELOPED (APPROX 2020)
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. The following facilities have been identified as being required as a result of the abovementioned population increase.

4.1 Traffic Management

In this instance, the plan responds to the increased vehicle trips generated by an increase in the population. The roadworks plan is based upon the assumption that the existing road network and traffic facilities are adequate for the existing residents of the East Gosford Contributions Plan area. Any additional works are to cater for the additional traffic generated by further medium density development are therefore to be fully funded under this Section 94 Plan. Increased traffic on existing roads leads to greater delays at intersections and an increase in vehicular and pedestrian conflicts. In order to ensure that the road system continues to operate in a safe and efficient manner the road system will require upgrading. This forms the nexus between proposed residential development and the need for additional roadworks. A prioritised and costed schedule of required roadworks is included in Appendix 1.

4.2 Pedestrian Footpaths

Additional footpath provision is required to meet the demand from the additional forecast population. A network of pedestrian footpaths have been planned for the East Gosford area to link residential areas with the shopping centre, open space areas and transport nodes. These will be constructed on a priority basis (see accompanying map). The works will be prioritised taking into account the location of future development, anticipated pedestrian usage levels, and the need to provide pedestrian links to existing and proposed facilities. Footpaths are generally to be provided on one side of the medium density residential streets within the East Gosford Contribution Plan area (see Appendix 2). Where appropriate, a joint cycleway/pedestrian network will be provided.

Currently, there is approximately 5,915 metres of footpath constructed in the East Gosford Contributions area. An additional 7,805 metres of footpath construction is required to form an integrated pedestrian network to serve the additional population. The current level of footpath provision does not represent a reasonable level of service for the existing population. Council must fund an additional 4,162 metres of footpath, in association with the 3,643 metres to be provided under this Contributions Plan, so as to provide an adequate pedestrian network throughout the area.

4.3 Street Landscaping

Development of the area for medium density housing will necessitate improvements in the street landscaping to ensure a reasonable level of amenity. In this regard, the developer is to provide street tree planting in consultation with Council's Recreation Program. The emphasis is to provide harmony within each street and a variety between streets.

4.4 Kerb and Gutter

Increased vehicular trips and increased impervious services created by future development warrants the addition of kerb and guttering at the frontage of each development site. Kerb and guttering formalises the road edge and protects the road edge from being degraded as a result of additional vehicular traffic and surface runoff. The developer is to provide kerb and gutter at the frontage of each development site.

5 APPORTIONMENT

Contributions levied under this plan are to fund works required above the level of service of the existing system. Section 94 Contributions as levied under this plan will not be used to fund improvements required to the existing system to serve the existing population.

The levying of contributions must be fair and reasonable having regard to the use of facilities by existing residents and residents from outside of the contribution area. The existing roadworks traffic management measures, kerb and guttering and street tree planting within the contributions plan area account for the contribution towards these facilities from the existing residents. The proposed traffic management measures within this plan are to serve local needs only and therefore should be levied from local development only. It is considered appropriate that any additional works to meet the needs of the incoming population be funded from Section 94.

As previously discussed, due to the current inadequate provision of pedestrian footpaths throughout the Contributions Plan area, Council must fund additional works above that generated under this Contributions Plan. Council is committed to providing 4162 metres of footpath or \$312,200 of funding to remove the deficit in provision that currently exists for the current population.

6 ASSUMED 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.

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Average Occupancy rates for each dwelling type are assumed to be as follows –

Small Dwelling Unit (Gross floor space not exceeding 70 sq metres)	1.5 persons
Medium Dwelling Unit (Gross floor space greater than 70 sq metres but not exceeding 110 sq metres)	2.0 persons
Large Dwelling Unit (Gross floor space greater than 110 sq metres)	3.0 persons
Detached House	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

7 FORMULAS

The contribution per additional person is determined by the following formulas:

7.1 Roadworks Contribution (per person) = $\frac{C}{F}$

- * Contribution per person is adjusted quarterly by multiplying by indexation figures (I1/I2)
- C = Cost of constructing the identified roadworks within the contributions plan (see Appendix I).
- F = Forecast additional persons living within the contributions plan area = 1535 persons.
- 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.

7.2 Footpath Contribution (per person) = $\frac{C}{F}$

- * Contribution per person is adjusted quarterly by multiplying by indexation figures (I1/I2)
- C = Cost of the total footpath network within the contributions plan area (see Appendix II)
- F = Forecast total persons within the contributions plan area = 5,782.

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- 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

Note: Credit is given for the existing allotment at a rate of 3.0 persons per dwelling.

Note: Kerb and guttering and street tree planting to be provided at the frontage of each site by the developer.

8 PAYMENT OF CONTRIBUTIONS

Contributions for roadworks and pedestrian footpaths 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.

9 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: Pedestrian Footpaths D9043.833; Road Works D9043.831).
- 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 the date of expenditure, together with a description of the type and location of roadworks that were carried out.

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 1

SCHEDULE OF WORKS – ROADWORKS

PRIORITY	WORK	EST. COST
1	Roundabout Brougham/Althorpe St	\$30,000
2	Roundabout Brougham/Adelaide St	\$30,000
3	Roundabout Melbourne/Adelaide St	\$30,000
4	Roundabout Althorpe/Russell	\$30,000
5	Roundabout Althorpe/Adelaide St	\$25,000
6	Roundabout Russell Drysdale/Webb St	\$35,000
	TOTAL	\$180,000

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

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APPENDIX II

SCHEDULE OF WORKS AND COSTINGS – PEDESTRIAN FOOTPATHS

PRIORITY	STREET	SECTION	LENGTH (METRES)	EST. COST
1	Henry Parry Drive	Northern	110	\$8,250
2	Henry Parry Drive	Eastern	220	\$16,500
3	Albany Street	Western	180	\$13,500
4	Wells	Both sides	1500	\$112,500
5	Masons Parade	Eastern	200	\$15,000
6	Brougham Street	Western	700	\$52,500
7	Albany	Eastern	120	\$9,900
8	Russell	Western	250	\$18,750
9	Gertrude P1/Shortland		125	\$9,375
10	Broadview Ave	Northern	140	\$10,500
11	Althorp	Southern	120	\$9,000
12	Adelaide	Both sides	200	\$15,000
13	Webb	Eastern	500	\$37,500
14	Melbourne	Western	60	\$4,500
15	Althorpe	Northern	710	\$53,250
16	Frederick	Eastern	250	\$18,750
17	Frederick	Western	250	\$18,650
18	White	Eastern	220	\$16,500
19	George	Northern	540	\$40,500
20	Melbourne	Eastern	430	\$32,250
21	Lushington	Southern	250	\$18,750
22	Wattle	Western	200	\$15,000
23	Boronia	Western	250	\$18,750
24	Waratah	Western	330	\$24,750
	TOTAL		7855	\$589,125

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

APPENDIX III

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 = 108.4 (June 1993)

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

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APPENDIX IV

CONTRIBUTION RATES

LOCAL AREA ROADWORKS

At the original rate of \$117.00 per person, the following contributions would apply:

1	Small Unit (1.5 persons x \$117.00)	=	\$176.00
2	Medium Unit (2.0 persons x \$117.00)	=	\$234.00
3	Large Unit (3.0 persons x \$117.00)	=	\$351.00
4	New Allotment (3.0 persons x \$117.00)	=	\$351.00

PEDESTRIAN FOOTPATHS

At the original rate of \$178.00 per person, the following contributions would apply –

1	Small Unit (1.5 persons x \$178.00)	=	\$267.00
2	Medium Unit (2.0 person x \$178.00)	=	\$356.00
3	Large Unit (3.0 persons x \$178.00)	=	\$534.00
4	New Allotment (3.0 persons x \$178.00)	=	\$534.00

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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GOSFORD COUNCIL



**SECTION 94
CONTRIBUTIONS
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SCHEDULE OF WORKS

Road Works

Priority & Top Loc.	Description	Cost \$
1	R/About Brougham/Althorpe St	30,000
2	R/About Brougham/Adelaide St	30,000
3	R/About Melbourne/Adelaide St	30,000
4	R/About Althorpe/Russell St	30,000
5	R/About Althorpe/Victoria St	25,000
6	R/About Russell Drysdale/Webb St	35,000
Total		180,000

Pedestrian Footpaths

Priority	Street	Section	Length	Cost \$
1	Henry Parry	Northern	100m	8,250
2	Henry Parry	Eastern	220m	16,500
3	Albany	Western	180m	13,500
4	Wells	Both sides	1500m	112,500
5	Wacoos Pde	Eastern	200m	15,000
6	Brougham	Western	700m	52,500
7	Albany	Eastern	120m	9,000
8	Russell	Western	250m	18,750
9	Gertrude Pl / Shortland		125m	9,375
10	Broadview	Northern	140m	10,500
11	Althorpe	Southern	120m	9,000
12	Adelaide	Both sides	200m	15,000
13	Webb	Eastern	500m	37,500
14	Melbourne	Western	90m	4,500
15	Althorpe	Southern	710m	53,250
16	Frederick	Eastern	250m	18,750
17	Frederick	Western	250m	18,750
18	White	Eastern	220m	16,500
19	George	Northern	540m	40,500
20	Melbourne	Eastern	430m	32,250
21	Lushington	Southern	250m	18,750
22	Wattle	Western	200m	15,000
23	Boronia	Western	250m	18,750
24	Waratah	Western	330m	24,750
Total			7855m	589,125

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

- Proposed Roundabout
- Proposed Footpath
- Existing Footpath
- 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. 377.57
COUNCIL REGISTERED PLAN NO. 28/93

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1978, AND REGULATIONS.

TOWN PLANNER DATE 21.10.93

SUPERVISING DRAFTSPERSON