

CONTRIBUTIONS PLAN NO. 48A

MEDIUM DENSITY AREA

**[INCLUDING LOCAL OPEN SPACE, PEDESTRIAN
FOOTPATHS, KERB AND GUTTER AND STREET TREE
PLANTING]**

AVOCA BEACH



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1 INTRODUCTION

1.1 Name of Plan

This Contributions Plan is called Contributions Plan No. 48A – Medium Density Area - Avoca Beach.

This plan consists of this document and accompanying map marked Contributions Plan No. 48A – Medium Density Area - Avoca Beach

The Contributions Plan came into effect on 12 October 1993 and 19 April 2006.

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 embellishment of local open space facilities in the Avoca Beach Medium Density 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.

This Contributions Plan also enables the levying of development contributions for the provision of footpaths at Avoca Beach that will be required as a result of the increased pedestrian requirements generated by new development. Development contributions area also identified for additional kerb and guttering and street tree planting required as a result of further residential development of the area.

1.4 Operation of 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.

1.5 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.

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1.6 Relationship to other Plans

This Contributions Plan is made under, and generally conforms to, 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 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.

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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 pedestrian footpaths 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 pedestrian footpaths to meet demand.
- 2.4 To take account of local open space and pedestrian 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 provision of local open space and pedestrian footpaths.
- 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 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 pedestrian footpaths to be provided.
- 2.12 To outline a schedule/priority list identifying when local open space and pedestrian footpaths are to be provided in consideration of development rates.
- 2.13 To provide a comprehensive network of pedestrian footpaths throughout the Avoca Beach Contributions Plan area to connect with open space areas, commercial areas and transport nodes. Where appropriate, these will also serve as cycle routes.
- 2.14 To enhance the residential character of streets by the addition of further street planting.
- 2.15 To outline works to be undertaken by developers in association with future development.

3.0 POPULATION

The 1991 Census information indicates that the current population of the Avoca Beach Medium Density area is approximately 271. Council has established that under existing zoning provisions, the population of the Avoca Beach Medium Density Area will increase by approximately 183 persons (ultimate development). This figure has been derived from development potential under existing planning controls, expected occupancy of units and also displacement of existing population through redevelopment.

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Growth rates are based upon the average rate of development between 1981 and 1992 assuming that these rates continue into the future. The population forecast estimated time frame is shown in Table 5.1.

TABLE 3.1 POPULATION FORECAST

	EXISTING 60% DEVELOPED	72% DEVELOPED APPROX 1997)	81% DEVELOPED (APPROX 2001)	100% DEVELOPED (APPROX 2010)
Total Population	271	326	370	454

4.0 LOCAL OPEN SPACE

4.1 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.

Demand for additional local 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 barbeques 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.

This plan responds to increased open space demands at the local level. Demand is measured in accordance with the standards in Table 4.1.

This plan relies upon commonly accepted standards of open space provision to establish the amount and type of open space required to serve the 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 and Recreation Strategy. The adopted standards for the local open space categories of children’s playgrounds and local parks are shown in Table 4.1.

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TABLE 4.1 ACCEPTED STANDARDS OF LOCAL OPEN SPACE PROVISION

ITEM	DESCRIPTION	POPULATION SERVED	LAND REQUIREMENT IN HECTARES	HA/1000
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

4.1.1 Existing Demand

Council has undertaken an audit of local open space lands for the area affected by the Avoca Beach Medium Density Contributions Plan. The local open space resources have been categorised according to the adopted standards as shown in Table 4.1.1.

TABLE 4.1.1 CURRENT OPEN SPACE DEMAND

	CURRENT LAND REQUIRED IN M ²	EXISTING FACILITIES	AREA IN M ²	SURPLUS IN M ²
Playground	542	VINE ST	2940	+2398
Local Parks	1355	VALE AVE SOUTH END PARK	746 16540	+15931
Total	1897		20226	+18329

From the above Table, it is evident that the Avoca Beach Medium Density area is generally well served with local open space facilities. Local residents also have access to Avoca Lake and Avoca Beach.

4.1.2 Future Open Space Demand

Table 4.1.2 indicates future requirements for local open space based upon the adopted standards and the population forecast. Contributions for regional/district facilities required as a result of additional development are to be collected under a separate contributions plan affecting a much wider area.

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TABLE 4.1.2 FUTURE OPEN SPACE DEMAND

	ULTIMATE AREA REQUIRED IN M²	SURPLUS IN M²
Playgrounds	908	+2032
Local Parks	2270	+13661
Total	3178	+15693

The incoming residents of the area will be provided with over 44 square metres of local open space per person at ultimate development. Although persons from outside the Avoca Beach Medium Density Area may also utilise these local open space resources, it is considered that the existing level of provision is sufficient to meet current and future demand.

It is recommended that no additional local open space be acquired for the Avoca Medium Density area as sufficient land is currently available to meet current and future demand.

However, some existing local open space facilities are poorly embellished and further works are required to ensure that the community obtains full value from its open space resources. It is considered reasonable that Section 94 Contributions from new development be used to wholly fund such embellishment. It is considered appropriate that future embellishment of the open space in the area aim to improve the existing reserves to meet the increased demand placed upon these facilities by the incoming population.

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.

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

4.1.3 Apportionment

The costs of providing for the local open space component of the future population have been apportioned in relation to the existing and future population that will use the existing and proposed facilities. The existing population have provided the land component of local open space within the Avoca Beach Medium Density Contributions Plan area. The additional embellishment proposed under this plan is to be fully from Section 94 Contributions Plan area. The additional embellishment proposed under this plan is to be fully from Section 94 contributions collected under this plan.

5.0 PEDESTRIAN FOOTPATHS, KERB AND GUTTER AND STREET TREE PLANTING

5.1 Nexus

Footpath provision within the Avoca Beach Medium Density Contributions Plan area currently does not form a continuous network. Footpaths have previously been provided on a haphazard basis in association with medium density development. This plan aims to provide pedestrian footpaths in a continuous network. Pedestrian footpaths are required to encourage the safe movement of pedestrians throughout the area. Where appropriate, a joint cycleway/pedestrian network will be provided. The additional population to be accommodated as a result of the projected higher density of development warrants the provision of additional footpaths.

To improve street landscaping, the developers are 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.

Increased vehicular trips and increased impervious surfaces 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 protect the road edge from being degraded as a result of additional vehicular traffic and surface runoff.

Contributions levied under this plan are to fund works required above the level of service of the existing system (as improved). Improvements required to the system to meet the current level of service are to be funded from other sources. Section 94 Contributions as levied under this plan will not be used to fund improvement required to the existing system to serve the existing population.

5.1.1 Existing Demand

The current provision of pedestrian footpaths is inadequate for the existing residents. The existing footpath network does not connect with open space areas, commercial areas, transport nodes or the beach.

The existing demand for kerb and gutter and street tree planting will increase in association with further urban development and increased population densities.

5.1.2 Future Demand

Additional footpath provision is required to meet the demand from the additional forecast population. A network of pedestrian footpaths has been planned for Avoca Beach areas to link residential areas with the commercial area, existing and proposed open space areas and transport nodes. These will be constructed on a priority basis as shown in Appendix II.

Footpaths are to be provided on one side of the medium density residential streets within the Avoca Beach Contributions Plan. The works will be prioritised taking into account the location of future development, anticipated pedestrian usage levels, and the need to provide links to facilities.

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Currently, there is 485 metres of footpath constructed in the Avoca Beach Contributions Plan area. An additional 535 metres of footpath construction would be required to form an integrated pedestrian network to serve the additional population. The additional footpaths are to be funded from Section 94 contributions collected under this plan and funds provided by Council to cover the existing shortfall in provision.

5.1.3 Apportionment

The provision of pedestrian footpaths has been apportioned between the existing and future population. The total length of footpath has been divided by the total population to ensure that the contribution is fair and reasonable and that future residents do not fund the existing shortfall of provision. Council is required to contribute to the cost of 125 metres of footpath within the Contributions Plan area.

Street tree planting and kerb and gutter are to be provided by the developer at the frontage(s) of each site. The issue of apportionment is not addressed in this instance as the works are associated with the development of each individual site.

6 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	DENSITY IN PERSONS/DWELLING
Each allotment/dwelling	3.0
Small dwelling (not exceeding 70 sq m)	1.5
Medium dwelling (greater than 70 sq m but not exceeding	2.0
Large dwelling (greater than 110 sq m)	3.0

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;
- Decreasing dwelling vacancy rates in the Avoca Beach area as holiday homes are converted to permanent occupation.

7 FORMULAS

7.1 Local Open Space Embellishment

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

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

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

Where:

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

P = Ultimate population increase (183)

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.

7.2 Footpath Contribution

$$\text{(per person)} = \frac{C}{F}$$

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

C = Cost of total footpath network within the contributions plan area

F = Forecast TOTAL persons within the contributions plan area = 454

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 3.0 persons per dwelling, except in relation to where the development is for a secondary dwelling.

Note: Kerb and gutter and street tree planting to be provided at the frontage(s) of each site by the developer.

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8 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.

9 ACCOUNTS/FUND BALANCES

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

- funds held as at 21 December 1993 along with accrued.
- funds received from 21 December 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 December 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 made available for public perusal, along with the register of accounts.

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APPENDICES

I SCHEDULE OF WORKS – LOCAL OPEN SPACE EMBELLISHMENT

PRIORITY	LOCATION	EMBELLISHMENT	COMMENT	ESTIMATED TIMING - % OF ULTIMATE DEVELOPMENT
1	South End Park	\$60,000	Stage 1 – Upgrade passive open space eg seating, tree planting, walkway etc + local facility such as tennis court/basketball court.	80%
2	South End Park	\$20,000	Stage 2 – Continue embellishment of reserve as funds become available	86%
3	Ross Park	\$20,000	Provide landscaping, seating etc	93%
4	Hunter Park	\$20,000	Embellishment – landscaping, seating etc	100%
Total		\$120,000		100%

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II SCHEDULE OF WORKS - PEDESTRIAN FOOTPATHS

PRIORITY	STREET	SECTION	LENGTH	COST
1	AVOCA DR	NORTHERN	170	\$12,750
2	AVOCA DR	EASTERN	135	\$10,125
3	BURNS ST	NORTHERN	80	\$6,000
4	AVOCA DR	SOUTHERN	120	\$9,000
5	CLIFF AVE	EASTERN	30	\$2,250
	Total		535	\$40,125

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

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)

IV CONTRIBUTION RATE - OPEN SPACE EMBELLISHMENT

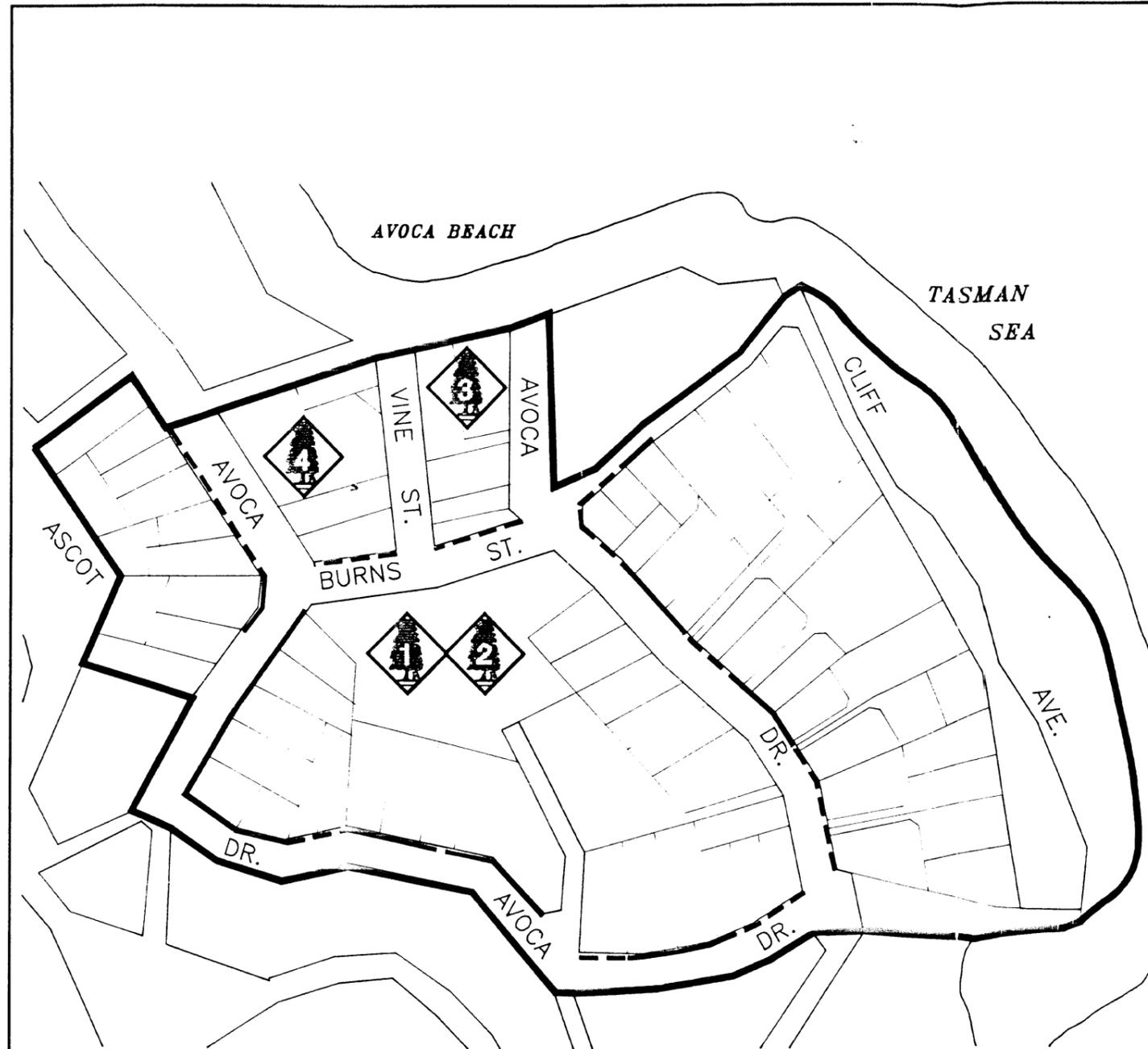
At the original rate of \$655.00 per person, the following contributions would apply:

- | | | | |
|---|--|---|-----------|
| 1 | Small unit (1.5 persons x \$655.00) | = | \$ 982.00 |
| 2 | Medium unit (2.0 persons x \$655.00) | = | \$1310.00 |
| 3 | Large unit (3.0 persons x \$655.00) | = | \$1965.00 |
| 4 | New allotment (3.0 persons x \$655.00) | = | \$1965.00 |

Contribution rates are indexed in accordance with the Consumer Price Index 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
PLAN No. 48A
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AVOCA

SCHEDULE OF WORKS

Local Open Space:

Priority & New Ref	Description	Cost \$
1	South End Park - Embellishment	60,000
2	South End Park Stage 2 - Embellishment	20,000
3	Ross Park - Embellishment	20,000
4	Hunter Park - Embellishment	20,000
Total		120,000

Pedestrian Footpaths

Priority	Street	Length	Cost \$
1	Avoca	170m	12,750
2	Avoca	135m	10,125
3	Burns	80m	6,000
4	Avoca	120m	9,000
5	Cliff Ave.	30m	2,250
Total		535m	40,125

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

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

THIS PLAN COMES INTO FORCE FROM 21/12/93 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. 377.90

COUNCIL REGISTERED PLAN NO. 38/93

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

TOWN PLANNER

DATE 21/12/93

SUPERVISING DRAFTSPERSON