

CONTRIBUTIONS PLAN NO. 49A

# MEDIUM DENSITY AREA

NORTH GOSFORD



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MEDIUM DENSITY AREA  
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## **1 INTRODUCTION**

### **1.1 Name of Plan**

This Contributions Plan is called Contributions Plan No. 49A – Medium Density Area - North Gosford

This plan consists of this documents and accompanying map marked Contributions Plan 49A - Medium Density Area - North Gosford.

The Contributions Plan came into effect on 12 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 and facilities in the North Gosford 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.

### **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.

### **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 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 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 open space and 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 footpaths to meet demand.

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- 2.4 To take account of local open space 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 provision of local open space, footpaths, kerb and gutter and street tree planting.
- 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 footpaths to be provided.
- 2.12 To outline a schedule/priority list identifying when local open space and footpaths are to be provided in consideration of development rates.
- 2.13 To provide a comprehensive network of pedestrian footways throughout the North Gosford Contributions Plan area to connect with open space areas, commercial areas and transport nodes. Where appropriate, these will also serve as cycle routes.
- 2.14 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 POPULATION**

The 1991 Census information indicates that the current population of the North Gosford Contributions Plan area is approximately 2191. Council has established that under existing zoning provisions, the population of North Gosford will increase by approximately 2,009 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.

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.

**TABLE 3.1 FORECAST POPULATION GROWTH**

	<b>52% EXISTING DEVELOPED</b>	<b>56% DEVELOPED (APPROX 1996)</b>	<b>59% DEVELOPED (APPROX 2001)</b>	<b>100% DEVELOPED (APPROX 2050)</b>
<b>Total Population</b>	2,191	2,354	2,516	4,200

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

**TABLE 4.1 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 local 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 guidelines, Department of Planning Guidelines and the 1993 Gosford City Open Space Strategy. The local open space has been further broken down into various categories as shown in the above table.

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#### 4.2 Existing Demand

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

**TABLE 4.2 EXISTING 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>
Playground	4400	nil		-4400
Local Parks	11000	BRADYS GULLY PARK	114400	+17200
		CARY ST	4040	
		GLENNIE ST	2000	
		JERRIBIN ST	1320	
		JARRETT ST	7520	
		GLENNIEE ST	1840	
<b>Total</b>	<b>15400</b>		<b>28200</b>	<b>+12800</b>

From the above table, it is evident that North Gosford is currently generally well provided with local open space facilities. Local residents also have access to Rumbalara Reserve, a large passive open space system, Maidens Brush Oval and Alan Davidson Park. There is also a park and children's playground on the eastern side of Jarrett Street adjacent to the CP boundary, which serves some of the residents of the CP area.

#### 4.3 Future Open Space Demand

Table 4.3 indicates future requirements for local open space based upon the adopted standards and the population forecast.

**TABLE 4.3 FUTURE OPEN SPACE DEMAND**

	<b>ULTIMATE AREA REQUIRED IN M2</b>	<b>DEFICIT OR SURPLUS IN M2</b>
Playground	8400	-8400
Local Parks	21000	+7200
<b>Total</b>	<b>29400</b>	<b>-1200</b>

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Without the acquisition of further local open space land, the total ultimate population will be supplied with 6.7 square metres of local open space per person, which is below the accepted standard of 7.0 square metres of local open space per person. The total local open space required for the population is 2.94 hectares as outlined in Table 4.3. An additional 1200 square metres is to be provided by the incoming population to ensure local space provision is adequate. It is considered appropriate that the land be acquired in the western section of the Contributions Plan area as sufficient open space reserves exist in the eastern section of the Contributions Plan area.

Some passive open space facilities are poorly embellished and further works are required to ensure that the community obtains full value from its open space resources.

There currently exists no children's playgrounds in the area covered by this Contributions Plan. This equates to a deficit of 0.44 hectares of land for playgrounds for the current population and 0.84 hectares for the ultimate projected population as shown in table 4.2. A number of existing local parks will be embellished with playground facilities to cater for the demand from the current and future population. The additional land to be purchased (1200 square metres) is proposed to be equipped with play equipment.

The reserve located in Cary Street will also be embellished with children's play equipment to meet the needs of the incoming population. The provision of two playgrounds at Cary Street and in the western section of the Contributions Plan area will ensure that all residents have easy access to open space and children's play areas.

The schedule for proposed passive open space 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.

#### **4.4 Apportionment**

The costs of providing the future open space has 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 the existing open space within the North Gosford Contributions Plan area and also any existing embellishment. The additional embellishment and the further acquisition of land to meet future needs will be fully funded under this Plan.

## **5 PEDESTRIAN FOOTPATHS, KERB AND GUTTER AND STREET TREE PLANTING**

### **5.1 Nexus**

Footpath provision within the North Gosford 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. 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 footways.

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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 surface 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.

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 improvements 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 or transport nodes.

The need for kerb and gutter and street tree planting is related to the development of individual sites. In the future, with further urban development and increased residential densities the need for these facilities will increase.

### **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 the North Gosford area to link residential areas with the Gosford Town Centre, existing and proposed open space areas and transport nodes. These will be constructed on a priority basis (see accompanying map).

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

Currently, there is approximately 1940 metres of footpath constructed in the North Gosford Contributions Plan area. An additional 6820 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.

### **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 2617 metres of footpath within the Contributions Plan Area.

## **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**

Each allotment/dwelling house 3.0 persons

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

Small dwelling – not exceeding 70 sq m 1.5 persons

Medium dwelling – greater than 70 sq m but not exceeding 110 sq 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.

## **7 FORMULAS**

### **7.1 Open Space (Land)**

Open Space Contribution (Land Component) =  $A \times V$

Where:

V = The current Council valuation estimate of open space land, appropriate to the land

A = Area of local open space land required by the number of persons to be accommodated within the development, based on 0.60 sq metres per person and occupancy rates (small unit), 2.0 (medium unit), 3.0 (large unit) and 3.0 (new allotment).

**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 Local Open Space Embellishment

The formula adopted to determine contributions for the required recreation facilities is as follows:

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

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

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

P = Ultimate population increase (2,009)

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).

## 7.3 Footpath Contribution

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

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

C = Cost of constructing the total footpath network (including the existing footpath) within the contributions plan area

F = Forecast total persons within the contributions plan area = 4,200

I<sub>1</sub> = Current quarter "Consumer Price Index (all Groups Index) for Sydney" issued by the Australian Statistician.

I<sub>2</sub> = Original quarter "Consumer Price Index (all Groups Index) for Sydney" issued by the Australian Statistician = 108.4 (June 1993).

**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.

**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 and pedestrian footpaths levied under this plan shall 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 ACCOUNT/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 Numbers: Open Space Land – D9049.825; Open Space Embellishment – D9049.826; Pedestrian Footpaths – D9049.833)
- 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 made available for public perusal, along with the register of accounts.

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**APPENDIX I**

**SCHEDULE OF WORKS – LOCAL OPEN SPACE**

<b>PRIORITY</b>	<b>FACILITY</b>	<b>LOCATION</b>	<b>SITE AREA REQUIRED</b>	<b>LAND COSTS @ \$140/SQ METRE</b>	<b>EMELLISHMENT COSTS</b>	<b>COMMENT</b>	<b>ANTICIPATED TIMING - % OF ULTIMATE POPULATION</b>
1	Bradys Gully Park	Henry Parry Drive	Nil	Currently Council Owned	\$40,000	Embellish Formalised Memorial Garden	56%
2	Playground	Cary Street	Council Owned	Nil	\$40,000	Children's Play Equipment	61%
3	Local Park	Western Section Of Cp	1200 Sq M	\$168,000			79%
4	Local Park	Western Section Of Cp			\$100,000	Embellish Above Reserve	89%
5	Local Park	Cary/Glennie St	Nil	\$50,000	\$50,000	Prepare Landscaping Plan – Tree Planting, Seating Etc	95%
6	Local Park	Jarrett St	Nil		\$30,000	Further Tree Planting, Seating	97%
7	Local Park	Jerribin St			\$20,000	Further Landscaping Works	100%
<b>Total</b>			<b>1200 SQ M</b>	<b>\$168,000</b>	<b>\$280,000</b>		<b>100%</b>

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

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**APPENDIX II**

**SCHEDULE OF WORKS - PEDESTRIAN FOOTPATHS**

<b>PRIORITY</b>	<b>STREET</b>	<b>SECTION</b>	<b>LENGTH (METRES)</b>	<b>COST</b>
1	Henry Parry	Western	1100	\$82,500
2	Dwyer St	Northern	480	\$36,000
3	Hills	Eastern	850	\$63,750
4	Beane	Northern	90	\$6,750
5	Glennie	Southern	425	\$31,875
6	Pacific Hwy	Eastern	300	\$22,500
7	Gertrude St	Western	890	\$66,750
8	Range Rd	Northern	200	\$15,000
9	Ormond St	Southern/Western	230	\$17,250
10	Pemell St	Southern	200	\$15,000
11	Jarrett St	Western	610	\$45,750
12	Glennie St	Northern	150	\$11,250
13	Laycock St	Northern	25	\$1,875
14	Lindsey St	Northern	140	\$10,500
15	Jerribin St	Southern	130	\$9,750
16	Henry Parry	Eastern	1000	\$75,000
<b>TOTAL</b>			<b>6820</b>	<b>\$511,500</b>

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

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**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 OPEN SPACE LAND**

At current land generation and valuation (0.60 sq metres per person @ \$140 per sq metre = \$84.00), the following contributions (land) would apply:

1	Small unit (1.5 person x \$84.00)	=	\$126.00
2	Medium unit (2.0 x \$84.00)	=	\$168.00
3	Large unit (3.0 persons x \$84.00)	=	\$252.00
4	New allotment (3.0 persons x \$84.00)	=	\$252.00

**LOCAL OPEN SPACE EMBELLISHMENT**

At the original rate of \$139.00 per person, the following contributions would apply:

1	Small unit (1.5 persons x \$139.00)	=	\$209.00
2	Medium unit (2.0 persons x \$139.00)	=	\$278.00
3	Large unit (3.0 persons x \$139.00)	=	\$417.00
4	New allotment (3.0 persons x \$139.00)	=	\$417.00

**PEDESTRIAN FOOTPATHS**

At the original rate of \$146.00 per person, the following contributions would apply:

1	Small unit (1.5 persons x \$146.00)	=	\$219.00
2	Medium unit (2.0 persons x \$146.00)	=	\$292.00
3	Large unit (3.0 persons x \$146.00)	=	\$438.00
4	New allotment (3.0 persons x \$146.00)	=	\$438.00

Contribution rates are indexed in accordance with the Consumer Price Index (all Groups Index) for Sydney issued by the Australian Statistician. Land valuation rates are also subject to periodic review.

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

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**GOSFORD COUNCIL**



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**SCHEDULE OF WORKS**

**Local Open Space**

Priority & Use Post	Description	Cost \$
1	Brodie Gully Park Embellishment	40,000
2	Cory St Playground	40,000
3	Local Park - Purchase & Children's Playground	168,000 100,000
4	Cory St/Glenie St Embellishment	50,000
5	Jarrett St Embellishment	30,000
6	Jerribin St Embellishment	20,000
	<b>Total</b>	<b>348,000</b>

**Pedestrian Footpaths**

Priority	Street	Section	Length	Cost \$
1	Henry Parry	Western	1100m	82,500
2	Dwyer	Northern	480m	36,000
3	Hills	Eastern	850m	63,750
4	Benne	Northern	90m	6,750
5	Glenie	Southern	425m	31,875
6	Pacific Hwy	Eastern	300m	22,500
7	Gertrude	Western	890m	66,750
8	Range Rd	Northern	200m	15,000
9	Ormond	Southern / Western	230m	17,250
10	Pemell	Southern	200m	15,000
11	Jarrett	Western	610m	45,750
12	Glenie	Northern	190m	11,250
13	Laycock	Northern	25m	1,875
14	Lindsey	Northern	140m	10,500
15	Jerribin	Southern	130m	9,750
16	Henry Parry	Eastern	1000m	75,000
	<b>Total</b>		<b>6620m</b>	<b>511,500</b>

**Legend**

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

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

THIS PLAN COMES INTO FORCE FROM 21/10/08 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. 377.89  
COUNCIL REGISTERED PLAN NO. 90/93

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

TOWN PLANNER DATE 21.10.93 SUPERVISING DRAFTSPERSON