

CONTRIBUTIONS PLAN NO. 52A

ROADWORKS

SPRINGFIELD / ERINA CREEK
[PRECINCT TWO]



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**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

LIST OF CONTENTS

1 INTRODUCTION

- 1.1 Name of Plan
- 1.2 Land to which Plan Applies
- 1.3 Purpose of Plan
- 1.4 Operation of Plan
- 1.5 Application of Plan
- 1.6 Relationship to other Plans
- 1.7 Review Process
- 1.8 Complying Development and the obligation of Accredited Certifiers
- 1.9 Construction Certificates and the obligation of Accredited Certifiers

2 OBJECTIVES OF CONTRIBUTIONS PLAN

3 NEXUS

4 PROPOSED ROADWORKS

5 FORMULA

6 PAYMENT OF CONTRIBUTIONS

7 ACCOUNTS/FUNDS BALANCES

8 CONTRIBUTION

9 INDEXATION

APPENDICES

- i Schedule of Proposed Roadworks Costings
- ii Schedule of Section 94 Roadworks

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

1 INTRODUCTION

1.1 Name of Plan

This Contributions Plan is called Contributions Plan No. 52A – Roadworks - Springfield/Erina Creek (Precinct Two).

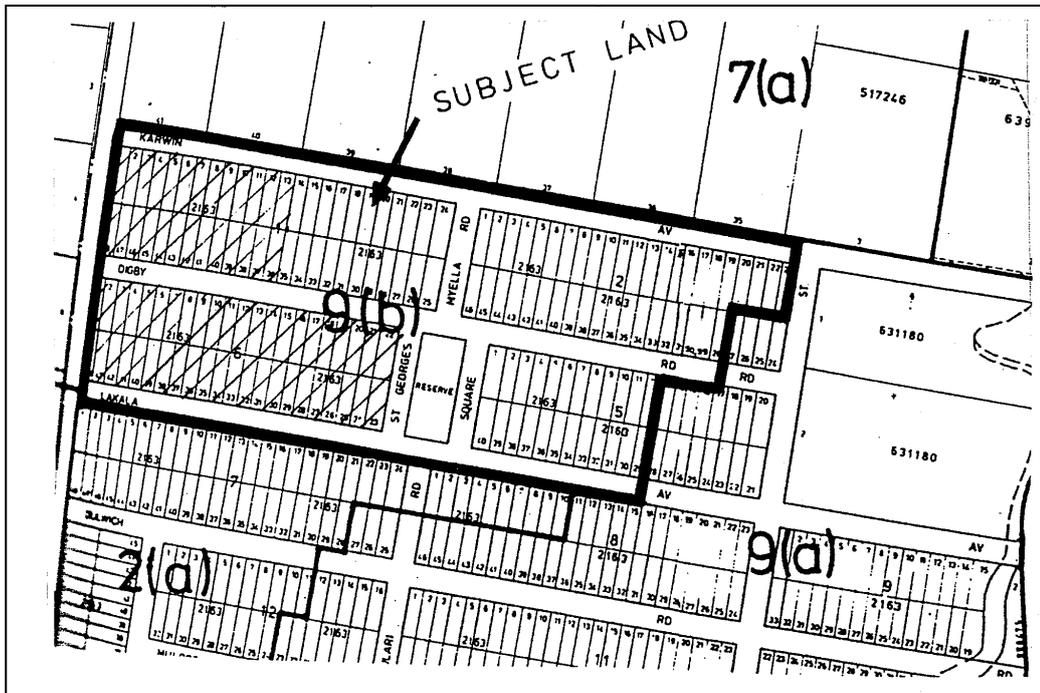
This plan consists of this document and accompanying map marked Contributions Plan No 52A - Roadworks - Springfield/Erina Creek (Precinct Two).

The Contributions Plan came into effect on 5 September 1995.

Subsequent amendments came into effect on 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 map below.



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 in Springfield/Erina Creek (Precinct Two) within the Restricted Development – Site and Services Constraints 9(b) zone - that will be required as a result of the increased vehicular traffic generated by new dwelling houses.

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

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 (amended), which contains the legal planning controls for the development of the area to which this Contributions Plan applies.

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 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 CONTRIBUTIONS PLAN

- 2.1 To ensure that collector-distributor roadworks associated with development in the area are funded under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended.
- 2.2 To identify roadworks that are required to satisfy the needs of development.
- 2.3 To enable Council to manage the Contributions Plan implementation and Section 94 funds to ensure the provision of roadworks to meet demand.
- 2.4 To take account of roadworks that already exist in the area and upgrading required where appropriate.
- 2.5 To provide a basis for determining fair and reasonable developer contributions.
- 2.6 To facilitate proper financial management and accountability for expenditure of the contributions received.
- 2.7 To identify the location and costings of works to be undertaken.
- 2.8 To prioritise identified works in consideration of the rate of development.
- 2.9 To rationalise the existing road network in a reasonable manner and define road hierarchy to ensure all allotments benefit for the works proposed.

3 NEXUS

In order to levy contributions, a 'nexus' or link must be established between the proposed development and the need for increased amenities and services. In this instance, the erection of dwellings on the allotments will result in the need for improvements to the existing distributor-collector roads, which are only partially constructed (western section of Lakala Avenue) or are not sealed and lack kerb and gutter (eastern section of St George Square East and Myella Road).

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

It should be noted, that the western section of the precinct is exempt from contributions because of the requirements of the DCP, physical characteristics of the land and works in lieu that have been undertaken by the land owner developing that area.

Although the CP area has already been subdivided, development consent is required for the erection of a dwelling house because the land is zoned Restricted Development – Site and Servicing Constraints 9(b) under the Gosford Planning Scheme Ordinance. The zoning reflects the physical characteristics of the land that generally constrain the siting of dwellings, together with acknowledgement of the under provision of services and facilities such as drainage and roadworks, that are usually associated with residential development.

The erection and subsequent habitation of dwelling houses upon the allotments (which requires Council's consent), will clearly place additional demands on the road system as vehicles travel to and from the dwelling house. It is thus considered that a reasonable nexus exists between the erection of a dwelling house and the need to improve road access.

4 PROPOSED ROADWORKS

The distributor-collector roadworks proposed under this Contributions Plan in prioritised order are as follows:

- 4.1 Upgrade and seal St George Square (east) to provide for 5.5 metre seal, as delineated on the plan.
- 4.2 Widen and upgrade the western section of Lakala Avenue to provide for an 8.5 metre seal and standard kerb and gutter, as delineated on the plan.
- 4.3 Widen and upgrade Myella Road to provide for 6.5 metre wide seal and roll top kerb and gutter, as delineated on the plan.
- 4.4 Provision of 1.2 metre wide footpath on the northern side of Lakala Avenue, as delineated on the plan.

5 FORMULA

The formula below outlines how the contribution per allotment has been determined:

$$\frac{C}{F} = \text{per allotment contribution}$$

Where:

C = total costs of works identified in plan (\$385,763) (see Schedule 1)

F = total allotments (86) within CP area which have not paid for works in lieu and will benefit from the works.

Note:

- (a) Contribution per allotment is adjusted quarterly by multiplying by the indexation formula.

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

- (b) Where the number of dwelling houses constructed exceeds the potential identified under the Contributions Plan, a proportionate refund will be given consideration in light of the estimated and actual costs of the Plan.
- (c) Where developed lots or contributions under Section 94 have been paid for, development within this CP are prior to this CP, which is greater than the contribution per lot calculated under this CP, a refund of the difference and interest will be provided.

6 PAYMENT OF CONTRIBUTIONS

Contributions levied under this plan will be payable as follows:

- (a) Development applications involving building - payment prior to the release of the construction certificate;
- (b) Development applications not accounted for in (a) above - payment prior to the release of development consent.
- (c) Complying Development Certificates prior to the release of the complying development certificate.

7 ACCOUNTS/FUNDS 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: Roadworks)
- funds received from the date of the plan coming into effect onwards, under the new regulations pertaining to Section 94 contributions.
- source of all funds received from the date of the plan coming into effect 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 made available for public perusal, along with the register of accounts.

CONTRIBUTIONS PLAN NO. 52A ROADWORKS SPRINGFIELD / ERINA CREEK

8 CONTRIBUTION PER LOT AS AT AUGUST 1995

\$385,763 divided by 86 lots	\$4,486
Existing S94 capital funds held by Council (lodged prior to 1.1.93)	\$104,625
Less REFUND from S94 fund (for 30 lots who partially overpaid)	\$26,832
Net balance of existing capital fund	\$77,793
Future S94 Contribution 26 lots x \$4486/lot	\$116,636
Council general fund payment 30 lots x \$4486/lot (for those developed lots since S94 Legislation changed, from 1.01.93 until now)	\$134,580

9 INDEXATION

The contribution per lot will be indexed quarterly in accordance with the "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

The original contribution rate will be held constant and multiplied by the indexation figures (I_1 / I_2) i.e. Current / Original.

Where:

- 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 = 115.4 (June 1995)
- Original contribution = \$4486/lot

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

APPENDIX I

PROPOSED ROADWORKS COSTINGS AND ROAD WORKS

A COSTINGS		
ADOPTED GENERAL STANDARDS FOR ROAD CONSTRUCTION INCLUDING DRAINAGE 11 METRE WIDE ROAD PAVEMENT COST PER LINEAL METRE		
No	Item	Amount
1	Provision for traffic say \$5000/100m	\$50.00
2	Set up camp say \$1000/100m	\$10.00
3	Excavation and boxing for pavement and kerb and gutter = 0.25 x 11.6 = 2.9 sq m @ \$19 cu m	\$55.10
4	Excavate and/or fill for footpath @ average 0.1 m deep = 9 x 0.1 deep = 9 x 0.1 = 0.9 sq m @ \$19 cu m	\$17.10
5	Excavation of bad subgrade say 30% poor subgrade @ 0.3m deep = 11.6 x 0.3 x 0.3 = 1.05 sq m @ \$19 cu m	\$19.95
6	Excavate and backfill stormwater drainage trench = 1 x 0.8 + (0.8 x 1/80) = 0.81 sq m @ \$48 cu m	\$38.88
7	Supply and lay road drainage average 375 mm dia RCP Supply \$49.98/m + Lay \$39.70/m	\$89.68
8	Allow one DGG Pit every 80m @ \$1,100 each = \$2,200/80	\$27.50
9	Supply and lay 0.3m ripped sandstone to 30% of pavement in areas of poor subgrade = 11.6 x 0.3 x 0.3 = 1.05 sq m @ \$27.60 cu m	\$28.98
10	Supply and lay 0.2 m crushed rock (DGB) = 11 m @ \$22 sq m	\$242.00
11	Surface 25mm A C @ \$7.80/sq m x 11	\$85.80
12	Topsoil footpath 100 mm @ \$4.40/sq m x 9	\$39.60
13	Turf footpath @ \$7.20/sq m x 9	\$64.80
14	Kerb and gutter 2 \$53.20/lin m	\$106.40
SUB TOTAL		\$875.79
CONTINGENCIES 15%		\$131.37
TOTAL		\$1,007.16
per sq m		\$91.56
SAY		\$92.00
@ \$92.00 per sq metre		

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

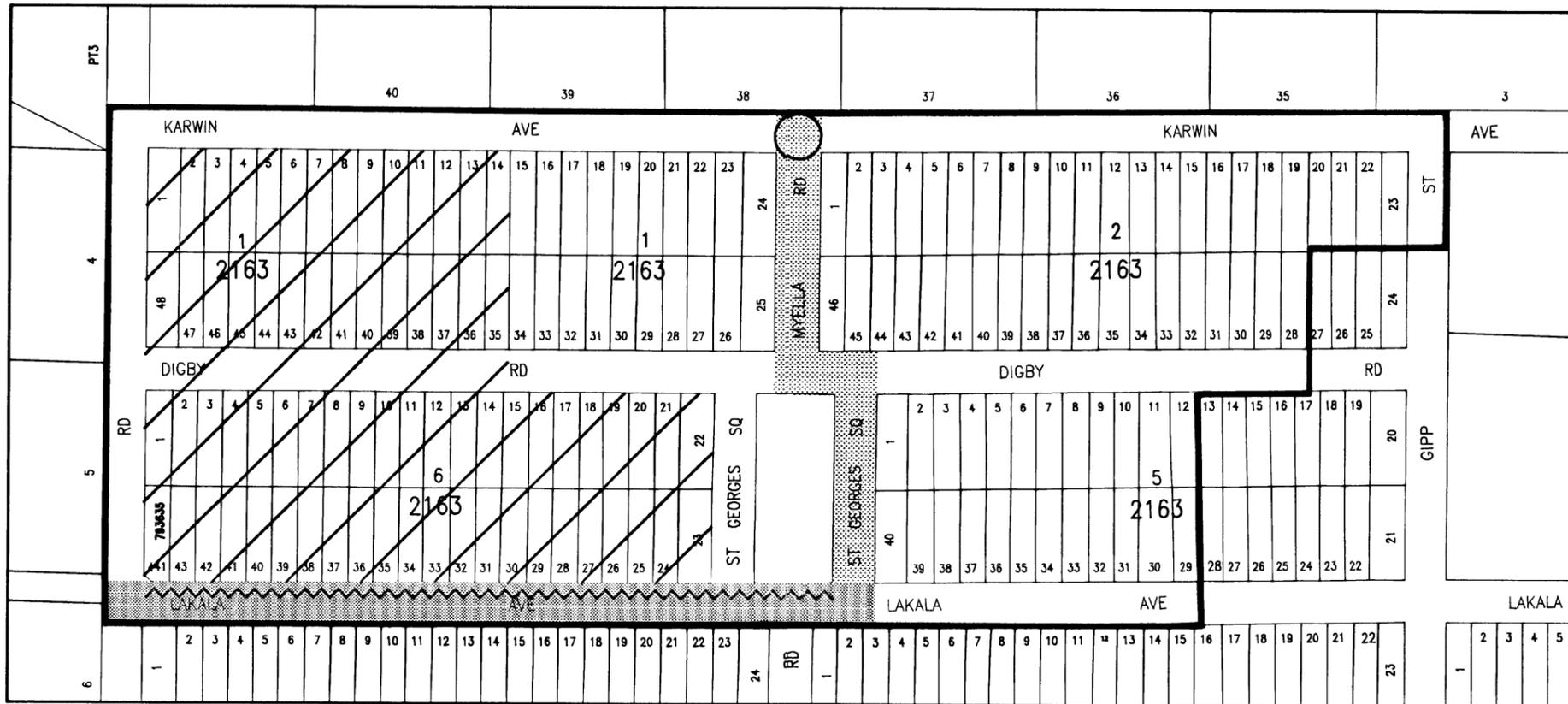
PAVE WIDTH	COST PER LIN METRE
13.0 m	\$1,196
11.0m	\$1,012
9.0m	\$828
6.5m	\$598
5.5m	\$506
4.5m	\$414
Adopted Council standard per footpath construction based on average cost \$75 per lineal metre	

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**

APPENDIX II

B SECTION 94 ROADWORKS		
1	Widen and upgrade western section of Lakala Avenue Length of road to be improved – 350 metres Cost for 8.5 metre wide road, 4.0 m additional road width @ \$92 per lineal metre for 350 metres = \$128,800	128,800
2	Existing ½ road construction Lakala Avenue located between St George Square and St George Square east	\$59,863
3	Upgrade and seal Myella Road Length of road to be constructed – 150 metres Cost for 6.5 metre wide road @ \$92 per lineal metre for 150 metres = \$89,700	\$89,700
4	Construct footpath on northern side of Lakala Avenue Length at footpath to be constructed – 350 metres Cost for 1.2 metre wide footpath @ \$75 per lineal metre for 350 metres = \$31,500	\$31,500
5	Construct St George Square (East) Length of road to be constructed – 150 metres Cost of 5.5 metre wide road @ \$92 per lineal metre for 150 metres =	\$75,900
TOTAL COST OF WORKS		\$385,763
Total Benefiting Lots		86

**CONTRIBUTIONS PLAN NO. 52A
ROADWORKS
SPRINGFIELD / ERINA CREEK**



LEGEND

-  CONTRIBUTIONS PLAN BOUNDARY
-  EXEMPT ALLOTMENTS FROM CONTRIBUTIONS
(DUE TO WORKS CARRIED OUT IN LIEU)
-  PROVIDE TURNING AREA FOR SERVICE VEHICLES
(SUBJECT TO DESIGN)

PROPOSED ROAD WORKS

-  UPGRADE LAKALA AVENUE
TO PROVIDE 8.5 METRE SEAL.
-  UPGRADE MYELLA ROAD TO PROVIDE 6.5 METRE SEAL.
UPGRADE ST GEORGES SQUARE EAST TO PROVIDE 5.5 METRE SEAL
-  PROVIDE 1.2 METRE FOOTPATH

THIS PLAN COMES INTO FORCE FROM 6/9/95 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. 377.70
COUNCIL REGISTERED PLAN NO 16/95

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


TOWN PLANNER DATE 5.9.95


SUPERVISING DRAFTSPERSON



SCALE 1:2500

THIS PLAN SHOULD BE READ IN CONJUNCTION WITH DEVELOPMENT CONTROL PLAN No. 52 SPRINGFIELD / ERINA CREEK (PRECINCT TWO).

G O S F O R D C O U N C I L



**SECTION 94
CONTRIBUTIONS
PLAN No. 52A
ROADWORKS**

**SPRINGFIELD / ERINA CREEK
PRECINCT TWO**