

CONTRIBUTIONS PLAN NO. 58A

LOCAL ROADWORKS

ERINA FAIR



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**CONTRIBUTIONS PLAN NO. 58A
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ERINA FAIR**

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1 INTRODUCTION

1.1 Name of Plan

This Contribution Plan is called Contributions Plan No. 58A – Local Roadworks - Erina Fair.

This plan consists of this document and accompanying map marked Contribution Plan No. 58A – Local Roadworks - Erina Fair.

The Contributions Plan came into effect on 24 May 1994.

Subsequent amendments came into effect on 31 August 1999 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 the bold black line on the accompanying map.

1.3 Purpose of Plan

The purpose of this Contribution Plan is to enable the levying of development contributions for the provision and upgrading of roadworks in the Erina vicinity that will be required as a result of the increased vehicular traffic requirements generated by proposed additional floor space and available care parking with the Erina Fair commercial/retail complex.

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 other Development Control Plans or 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This Contributions Plan may be reviewed, amended or repealed in accordance with the provisions of the Environmental Planning & Assessment Regulation, 2000.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 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 roadworks required to satisfy the needs of the proposed development.
- 2.3 Council to manage the Contribution Plan implementation and Section 94 funds to ensure provision of roadworks to meet demand.

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- 2.4 To take account of roadworks already provided in the Contribution Plan 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 roadworks.
- 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 Where proposed roadworks will provide for population outside the Contributions Plan area, to apportion costs accordingly.
- 2.12 To identify locations and costs of roadworks to be carried out.
- 2.13 To outline a schedule/priority list identifying when roadworks are to be provided in consideration of development rates.

3 CONTRIBUTIONS

3.1 Nexus and Assessment of Contributions

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.

In this instance, the plan responds to the increased vehicle trips generated by an increase in the commercial/retail floor space. 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 the proposed development and the need for additional roadworks.

Since 1986, with the development of the Erina Fair retail complex, together with development within the nearby 3(b) Business Special zone, the net leasable retail floor space in Erina has surpassed the Gosford CBD as the largest retail centre in the Gosford City area. The growth of the Erina commercial/retail centre combined with residential subdivision in the region has placed pressure on the road network in the region has placed pressure on the road network in the vicinity. The following roadworks have been carried out to accommodate the additional traffic:

Two lane roundabout – Karalta Road, Entrance Road

Two lane roundabout – Terrigal Drive, Entrance Road

Two lane roundabout – Terrigal Drive, Tarragal Glen Road

The total traffic impact of Erina Fair is based on Transtep traffic projections.

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Road upgrading projects considered warranted or significantly affected by the proposed development are listed in a works schedule in Appendix I. The projects are listed in priority order, show an estimated cost, and a proportional contribution to be sought in relation to the proposed development. Traffic apportionments of Erina Fair compared to total volumes on the main road network have been used to determine the contributions payable by Erina Fair. Council will obtain funds from other sources to make up the balance required to finance the proposed works.

Works have been prioritised so that, generally, works which cater for traffic with highest proportions generated by the proposed development will be carried out first. In this way the developer contribution will be spent within a reasonable time and the proposed development will receive the maximum benefit in the earliest time.

The main variables used in Transtep for Erina Fair are the total number of employees and the number of retail employees. To apportion the costs to various proposed new developments within the Erina Fair site it was decided to use GFA. This was preferred as it reduces the complexities associated with deciphering between local traffic circulation within the site and actual net additional traffic generation of the site as subsequent new developments are implemented.

The average between AM and PM peak generated traffic was used as a basis for the contribution plan. Based on the above, the total contribution from Erina Fair is \$4,978,000 as detailed in Appendix I. Therefore, in theory:

Total Cost of Works apportioned to Erina Fair

Total Gross Floor Area	Contributions payable
140935	= \$35.32 say \$35.00/m ² GFA
	= <u>\$4,978,000</u>

3.2 Payment of Contributions

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

- 1 Where a development application is required for the development, contributions must be paid in full prior to the release of Construction Certificate.
- 2 Where a Development Application is not required, the contributions shall be paid in full prior to the release of a complying development certificate or commencement of the use of the building or land.

4 CONTRIBUTION

The contribution shall be calculated in accordance with the following formula:

$$\text{Roadworks Contribution} = \frac{F \times C \times I_1}{I_2}$$

F = Additional Gross Floor Area (in square metres)

C = Contribution per additional square metre of GFA (\$35.00m²)

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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 = 108.8 (December 1993)

The original contribution rate will be held constant and multiplied by the current quarter CPI and the result will then be divided by the original CPI (held constant).

that is:
$$\frac{\text{original contribution (constant)} \times \text{Current Quarter CPI}}{\text{Original CPI (constant)}}$$

Where:

Original Contribution: \$35m²

Original CPI: 108.8

5 ACCOUNTS/FUND BALANCES

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

- funds held as at 8 April 1994, along with interest accrued.
- funds received from 8 April 1994 onwards, under 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 8 April 1994 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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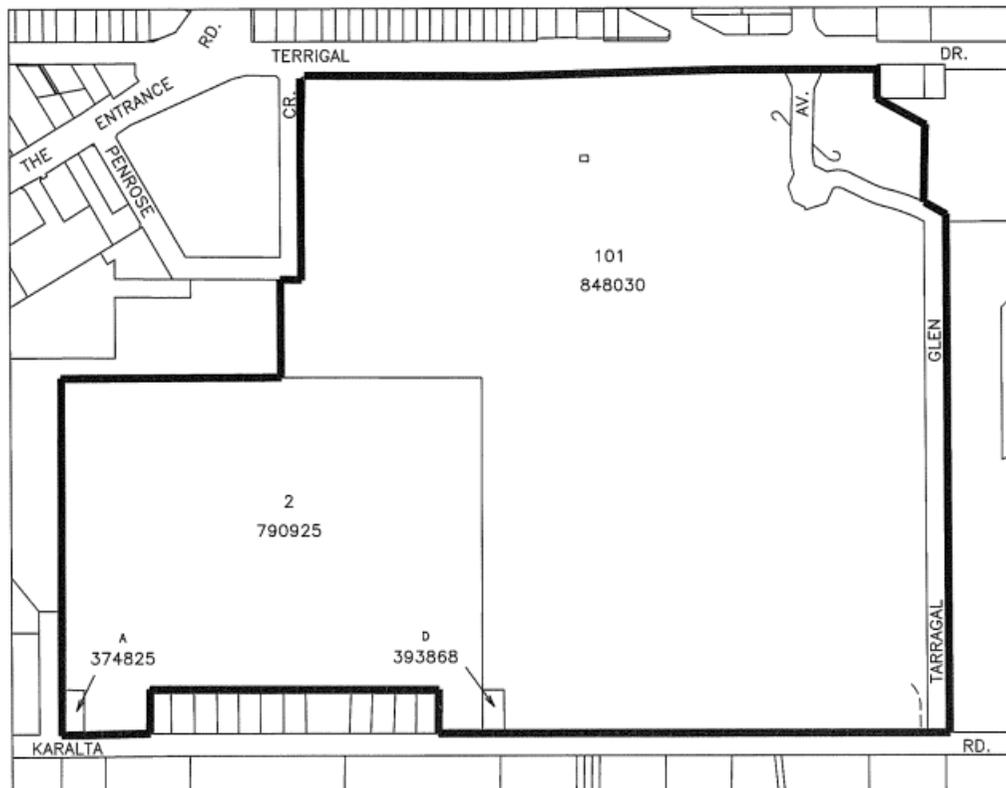
APPENDIX I

GOSFORD CITY COUNCIL



**SECTION 94
CONTRIBUTIONS
PLAN No. 58A
LOCAL ROADWORKS**

ERINA FAIR, ERINA



SCHEDULE OF WORKS

PRIORITY	PROJECT	ESTIMATED COST (\$)	RECOMMENDED CONTRIBUTION (\$,000) (% Contribution Erina Fair)
1	Karalta Road – complete AC surfacing from Erina Fair to Ilya Avenue	75,000	AM 60 (80%) PM 60 (80%)
2	MR 336 – The Entrance Road/ Karalta Road – upgrade capacity of intersection	85,000	AM 24 (28%) PM 27 (32%)
3	Barralong Road – construct bridge over Erina Creek – construct bridge approaches (western) – construct bridge approaches (eastern) – bridge generated flood mitigation works	1,000,000 300,000 600,000 1,330,000	AM 876 (27%) PM 715 (22%)
4	North East Bypass	11,480,000	AM 2927 (26%) PM 2298 (20%)
5	MR 505 – Terrigal Drive – upgrade and extend culvert adjacent to Chetwynd Road roundabout plus improve road tapers	140,000	AM 24 (17%) PM 39 (28%)
6	MR 336 – The Entrance Road – reconstruct the signalised intersection with MR 504 – Avoca Drive to provide two (2) right turn storage lanes in both MR 336 and MR 504	1,700,000	AM 284 (17%) PM 212 (11%)
7	MR 504 – upgrade Avoca Drive from Green Point to Kincumber	9,000,000	AM 1139 (13%) PM 1093 (12%)
8	MR 505 – strength pavement between Chetwynd Road and Serpentine Road	392,000	AM 68 (17%) PM 110 (27%)
TOTAL CONTRIBUTIONS			AM 5402 PM 4554 AVE 4978

THIS PLAN COMES INTO FORCE FROM 16/9/99 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. 378.61.00
COUNCIL REGISTERED PLAN NO.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AND REGULATIONS.



SCALE 1:4000

LEGEND

— CONTRIBUTIONS PLAN BOUNDARY

FOR COUNCIL DATE TOWN PLANNER SUPERVISING DRAFTSPERSON