

CONTRIBUTIONS PLAN NO. 71

# CAR PARKING

**AVOCA BEACH**



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## **1 INTRODUCTION**

### **1.1 Purpose of Plan**

Proposed development in the Avoca Beach Commercial Centre must generally include sufficient off-street car parking to satisfy the demand for parking to be generated by the development. However, it is recognised by Council that in some circumstances the required number of car spaces cannot be provided on the development site. In such cases, a monetary contribution is required to be paid to Council. The required contribution shall be an amount sufficient to enable Council to provide parking facilities in the vicinity, which will compensate for the parking deficiency to be created by the development.

The purpose of this plan is to provide a clear framework for the collection and spending of such contributions, including details of how the contribution amount is calculated and where new parking facilities are intended to be provided.

The Contributions Plan came into effect on 24 October 1995.

Subsequent amendments came into effect on 11 January 1996 and 19 April 2006.

### **1.2 Land to which Plan applies**

This plan applies to the Avoca Beach Commercial Centre as shown edged heavy black on the accompanying plan marked Contributions Plan No. 71 – Car Parking - Avoca Beach.

### **1.3 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.

### **1.4 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.

### **1.5 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 NEXUS**

In order to accept contributions a nexus or link must be established between the proposed development and the need for increased amenities or services. In this case, the plan relies upon the relatively self-evident relationship between commercial and retail activity and the need for car parking.

This relationship has been described by various documents including the Roads and Traffic Authority of NSW "Policies, Guidelines and Procedures for Traffic Generating Development". Council's Development Control Plan (DCP) for On-Site Car Parking sets out the amount of car parking required for various types of development. These requirements are based on the abovementioned Traffic Authority Guidelines, as well as Council's experience with individual developments within the City of Gosford. Where the required amount of parking for a particular development is not provided on site, the development will generate a demand for additional parking facilities, which must be provided by Council.

This forms the nexus and justifies Council's acceptance of a monetary contribution to provide such facilities.

## **3 DEMAND**

The number of contributions, which will be received, is dependent upon the rate of new development and the circumstances of particular development sites. Some indication of the number of spaces to provide may be given by the number of contributions, which have been received in recent years. In the case of Avoca Beach Commercial Centre, contributions for 27 spaces were received in the five year period 1988-92 inclusive.

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#### **4 PROPOSED FACILITIES**

With contributions collected in accordance with this plan, it is proposed to provide an additional thirty-eight (38) spaces with the following works:

- 1 Modify the existing Council owned car park with access from Ficus Avenue. The existing car park provides 34 parking spaces. An additional sixteen (16) spaces will be provided; and
- 2 Provide additional off-street parking adjacent to Heazlett Park Tennis Courts with access from Avoca Drive. Additional parallel parking is also proposed on Avoca Drive. An additional twenty-two (22) spaces will be provided.

The location of the proposed parking facilities are shown on the accompanying plan. Details of costs are shown in Appendix II.

If the rate at which funds are collected is such that the proposed parking scheme cannot be implemented within a reasonable time, this plan will be subject to review. Options for review would include formulating an alternate parking scheme which could be implemented with funds available or using funds from other sources to implement the scheme and then recouping the cost through a revised contributions plan. Any proposed change to the detail of this contributions plan shall be publicly exhibited in accordance with the Environmental Planning and Assessment Regulation, 2000.

Funds which have previously been collected under Section 94 for the provision of parking facilities in Avoca Beach, prior to the adoption of this contributions plan, shall be allocated toward the implementation of the parking scheme identified in this plan. This will have the effect of reducing the number of contributions which must be collected before the proposed parking scheme can be implemented.

#### **5 FORMULA**

Where a monetary contribution is to be paid in lieu of the provision of parking on site, the amount of contribution required shall be calculated in accordance with the following formula.

$$C = N \times P \times F$$

Where:

C = contribution required

N = the number of car spaces for which a contribution is to be paid (see Appendix I)

P = cost per car space of the parking facilities proposed in this plan (See Appendix II)

F = apportionment factor (see Appendix III)

The contribution is adjusted quarterly by multiplying it by  $(I_1 / I_2)$  indexation figures.

$I_1$  = 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)

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**6 TIMING OF PAYMENTS**

- i Development applications involving building - payment prior to the release of the construction certificate.
- ii Development applications not accounted for in (i) - payment prior to the release of development consent.
- iii 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.

**7 ACCOUNTS**

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

- funds held as at 20 April 1994 along with interest accrued;
- funds received from 20 April 1994 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 20 April 1994 onwards;
- expenditure of all funds.

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 CONTRIBUTION RATES**

Contribution rates for different types of development will vary according to the size of the development, the demand for parking likely to be generated by the use of the building or land, and the number of parking spaces to be provided on site. Criteria for determining the number of car spaces a development is likely to require is contained in Council's Development Control Plan for Car Parking.

Where contributions are to be paid, the cost per car space is the same for all types of development – as shown in Appendix II.

**II SCHEDULE OF WORKS**

It is proposed to modify existing Council owned land to provide additional car parking. An estimate of the cost per space for the additional spaces is shown in the schedule below:

Construction Cost – Ficus Avenue Car Park	\$35,000
Construction Cost – Avoca Drive Parking	\$120,000
<b>TOTAL COST</b>	<b>\$155,000</b>
Additional Spaces Provided	38
Cost per space	\$4,078

Costs shown in this schedule are reviewed periodically to reflect current land values.

Construction costs are adjusted quarterly in accordance with the "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.

The current cost per space is available from the Ground Floor Enquiry Counter of Council's Administration Building.

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**III APPORTIONMENT FACTOR**

The apportionment factor for this Contributions Plan is based on the assumption that a development should only pay for the proportion of demand it will create for each parking space to be provided.

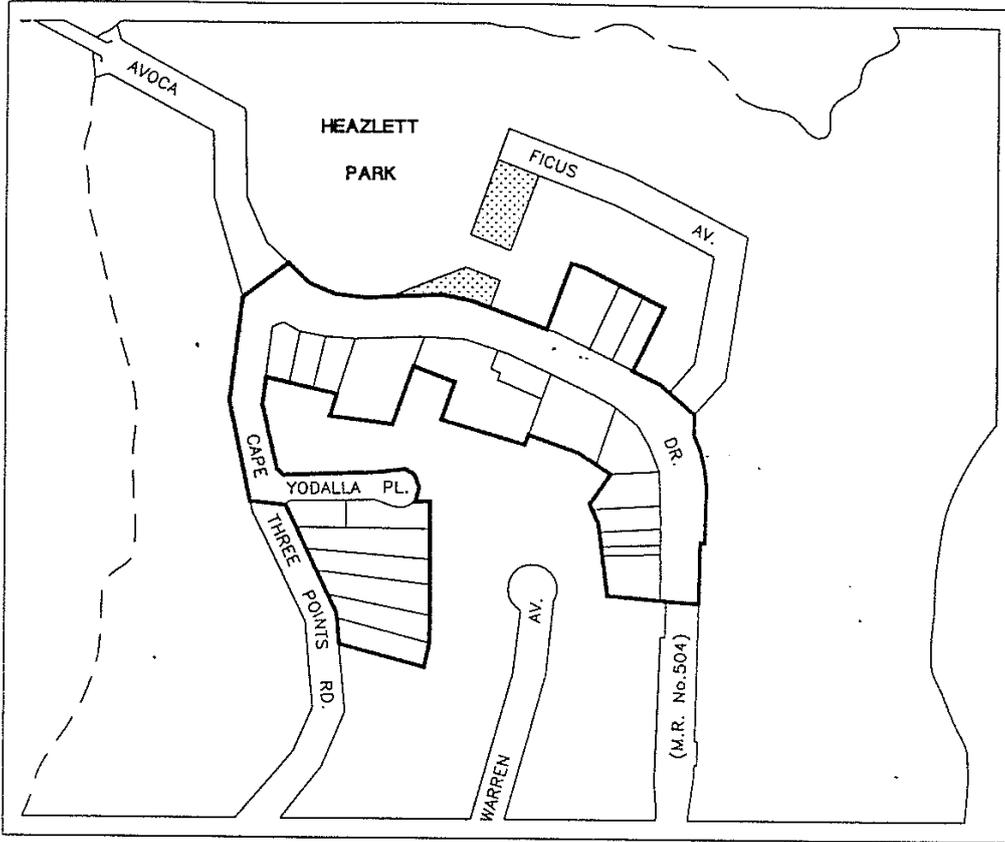
A study of the parking supply of the Avoca Beach CBD has been carried out. A copy of the study is attached to Council's File No. 378.07. The study revealed that the parking supply of the Avoca Beach CBD is adequate in comparison to the theoretical demand for parking based on Council's Car Parking Policy. The study has taken account of both private and public car parking that has been provided in the Centre.

In summary, the apportionment factor is equal to:

$$\begin{aligned} &= \frac{\text{supply}}{\text{demand}} \\ &= \frac{\text{Number of public parking spaces available}}{\text{Number of cars searching for public parking}} \\ &= \frac{\text{Public parking available} + \text{no of spaces to be provided with existing S94 funds}}{\text{Theoretical demand} - \text{off street public parking in the case of Avoca Beach CBD}} \\ &= \frac{102 + 16}{114 - 89} \\ &= \frac{118}{25} \end{aligned}$$

Note that in this case, the apportionment factor will exceed one (1), meaning that parking provision in the Avoca Beach commercial area currently exceeds demand, and any new development will have access to a higher level of parking than the development itself is required to provide under Council's Parking Policy. It would be unreasonable to increase the amount of contribution on this basis, consequently whilst the apportionment factor exceeds one it shall be disregarded for the purposes of this plan.

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- CONTRIBUTIONS PLAN BOUNDARY
- PROPOSED LOCATION OF ADDITIONAL PARKING FACILITIES



SCALE 1:3000

THIS PLAN CAME INTO FORCE ON 24/8/94 AND WAS AMENDED ON 11/1/96 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. 378.07  
COUNCIL REGISTERED PLAN NO.

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

*William West*

5/1/96

*A. Nisbett*

TOWN PLANNER

DATE

SUPERVISING DRAFTSPERSON

GOSFORD CITY COUNCIL



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