

CONTRIBUTIONS PLAN NO. 72

CAR PARKING

ETTALONG BEACH



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1 INTRODUCTION

1.1 Purpose Of Plan

Proposed new development in the Ettalong Beach Business District must generally include sufficient off-street car parking facilities to satisfy the demand for parking likely to be generated by the development. However, it is recognised that in some circumstances this may not be practical. In such cases, a monetary contribution is required to be paid to Council. The required contribution shall be an amount sufficient to re-imburse Council for the total cost of providing car parking in Ettalong Beach, which will compensate for the parking deficiency to be created by development.

The purpose of this plan is to provide a clear framework for the collection and subsequent reimbursement to Council of funds expended to provide this facility ahead of development. The plan includes details of how the contribution amount was calculated and where new parking facilities were provided.

The Contributions Plan came into effect on 11 November 1999.

Subsequent amendment came into effect on 19 April 2006.

1.2 Land to which Plan applies

Contributions Plan No. 72 applies to the Ettalong Beach Business District as shown edged heavy black on the accompanying map.

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 has adopted a Development Control Plan (DCP) On-Site Car Parking which sets out the amount of car parking required for various types of development. These requirements are based upon 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. It is considered, therefore that there is no reliable method for accurately predicting the number of contributions, which will be received over a specified period. However, some indication may be given by the amount of contributions, which have been received between 1983 and 1993, levied previous to the amendments brought in by Section 94 requiring preparation of a Contributions Plan. In this respect, contributions plus interest totalling \$106,366 were received during this period.

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4 PROPOSED FACILITIES

Council has purchased two properties, being Lots 21 and 22 Section C DP 9391 Memorial Avenue Ettalong Beach to build a car park upon. Section 94 contributions paid between 1983 and 1993 have been used, together with Council's general funds to purchase these two lots. With contributions collected in accordance with this plan, it is proposed to repay the debt to Council which existing Section 94 funds did not cover, for the land and construction costs for a total of forty-eight (48) car spaces. The location of the proposed parking facilities is shown on the accompanying plan.

5 FORMULAS

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.

$$C = N \times P$$

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)

The contribution is adjusted quarterly by multiplying it by (I1 / I2) 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 = 124.1 (September 1999).

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.

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7 ACCOUNTS

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

- funds held as at 28 August 1997 along with interest accrued under the former Contributions Plan No. 73;
- funds received from 28 August 1997 onwards, under the 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 28 August 1997 onwards;
- expenditure of all funds.

These records are kept in accordance with the Environmental Planning and Assessment Act, Regulation, 2000 as amended.

In accordance with the Regulations, an annual statement will be prepared and available for public perusal, along with the register of accounts.

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APPENDICES

I CONTRIBUTION RATES

The number of car spaces required 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 On-Site 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 CALCULATIONS FOR COST PER CAR SPACE

It is proposed to construct forty-eight (48) car parking spaces on Lots 21 and 22 Section C DP 9391 Memorial Avenue Ettalong. The location of the proposed parking facilities is shown in the accompanying plan. The cost for the land (being repayment to Council's general fund of the funds required to supplement existing S94 funds to purchase the land), plus the estimated capital cost of constructing the car park, is as follows:

$$P = \frac{(A + B^*) - C}{D}$$

Where:

P = cost per space (Section 94 contribution)

A = land cost \$275,000)

B = building costs (see table below - \$57,115*)

C = existing funds held at 9 April 1999 (\$106,366**)

D = number of car parking spaces to be provided (48)

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

Construction costs are adjusted 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.

** \$98,070 of Section 94 funds paid between 1983 and 1993 were expended upon purchase of Lots 21 and 22 Section C DP 9391 Memorial Avenue Ettalong. A further \$8,296 was collected up to 9 April 1999.

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III SCHEDULE OF WORKS & COSTS

LAND COSTS

purchase of Lots 21 and 22 Section C DP 9391 Memorial Avenue Ettalong \$275,000

BUILDING COSTS

demolish existing buildings and construct car park for 48 spaces \$57,115

Grant Total \$332,115

Past S94 Contributions \$106,366

Council funds re-imburement \$225,749

Note 1: Section 94 Contributions paid under CP 72 will reimburse Council's General Funds \$168,634 and Financial Strategy Fund to a maximum of \$57,115 but only up to 30/6/99, thereafter all to general fund.

